

# EXCERPTS FROM THE FISH AND GAME CODE AND TITLE 14, CALIFORNIA CODE OF REGULATIONS

A complete copy of the Fish and Game Code, and Title 14, California Code of Regulations are available at: [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html), and [www.fgc.ca.gov/hlm/regs.html](http://www.fgc.ca.gov/hlm/regs.html).

The following excerpts from the Fish and Game Code (FGC) and/or the California Code of Regulations, Title 14 (T14), provide essential information about specific commercial fisheries; but do not provide a complete summary of all commercial fishing laws and regulations. It is the fisherman's responsibility to know and obey all laws and regulations in effect while engaged in commercial fishing activities. Changes to either code may occur at any time during the year.

Any discrepancies between the excerpts and the code(s) from which it was prepared will be enforced and adjudicated according to the official code in effect on the date the activity takes place.

To assist you in identifying new laws or regulations, the title of any sections which have been enacted or amended since January 2005 are in **red**.

## GENERAL PROVISIONS AFFECTING COMMERCIAL FISHING

### FGC Excerpts

#### §70. Resident

"Resident" means any person who has resided continuously in the State of California for six months or more immediately prior to the date of his/her application for a license or permit, any person on active military duty with the Armed Forces of the United States or auxiliary branch thereof or any person enrolled in the Job Corps established pursuant to Section 2883 of Title 29 of the United States Code.

#### §57. Nonresident

"Nonresident" means any person who has not resided continuously in the State of California for six months immediately prior to the date of his/her application for a license or permit.

#### §713. License Fees.

(a) The changes in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services, as published by the United States Department of Commerce, shall be used as the index to determine an annual rate of increase or decrease in the fees for licenses, stamps, permits, tags, or other entitlements issued by the department.

(b) The department shall determine the change in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services, as published by the United States Department of Commerce, for the quarter ending March 31 of the current year compared to the quarter ending March 31 of the previous year. The relative amount of the change shall be multiplied by the current fee for each license, stamp, permit, tag, or other entitlement issued by the department. The product shall be rounded to the nearest twenty-five cents (\$0.25), and the resulting amount shall be added to the fee for the current year. The resulting amount shall be the fee for the license year beginning on or after January 1 of the next succeeding calendar year for the license, stamp, permit, tag, or other entitlement that is adjusted under this section.

(c) Notwithstanding any other provision of law, the department may recalculate the current fees charged for each license, stamp, permit, tag, or other entitlement issued by the department, to determine that all appropriate indexing has been included in the current fees. This section shall apply to all licenses, stamps, permits, tags, or other entitlements, that have not been increased each year since the base year of the 1985-86 fiscal year.

(d) The calculations provided for in this section shall be reported to the Legislature with the Governor's Budget Bill.

(e) The Legislature finds that all revenues generated by fees for licenses, stamps, permits, tags, and other entitlements, computed under this section and used for the purposes for which they were imposed, are

not subject to Article XIII B of the California Constitution.

(f) The department shall, at least every five years, analyze all fees for licenses, stamps, permits, tags, and other entitlements issued by it to ensure the appropriate fee amount is charged. Where appropriate, the department shall recommend to the Legislature or the commission that fees established by the commission or the Legislature be adjusted to ensure that those fees are appropriate.

#### §7852.2. Renewal after deadline.

Notwithstanding any other provision of law, commercial fishing licenses or permits for which there is a renewal application deadline may not be renewed after that deadline except as provided by this section:

(a) A penalty of fifty dollars (\$50) shall be paid in addition to the fee for renewal of commercial fishing licenses or permits that are submitted on or before the last day of the next month immediately following the renewal deadline. This section does not apply to permits issued pursuant to Section 8235 or 8550. The department shall deny all applications for renewal received after the last day of the next month immediately following the renewal deadline.

(b) Applications for renewal received after the last day of the next month immediately following the renewal deadline shall be returned to the applicant who may appeal to the commission for renewal. The commission shall, upon granting the appeal for renewal, assess the late penalties provided for in subdivision (a).

#### §7857. Conditions applicable to commercial license, permit, or other entitlement.

Unless otherwise specified, the following conditions apply to each commercial fishing license, permit, or other entitlement issued to take, possess aboard a boat, or land fish for commercial purposes and to each commercial boat registration issued by the department, except licenses issued pursuant to Article 7 (commencing with Section 8030):

(a) The person to whom a commercial fishing permit or other entitlement is issued shall have a valid commercial fishing license issued pursuant to Section 7852 that is not revoked or suspended.

(b) The commission, after notice and opportunity for hearing, may suspend, revoke, or cancel commercial fishing privileges for a period of time to be determined by the commission for the following reasons:

(1) The person was not lawfully entitled to be issued the license, permit, or other entitlement.

(2) A violation of this code, the terms of the permit or other entitlement, or the regulations adopted pursuant thereto, by the licensee, permittee, person holding the entitlement, or his or her agent, servant, employee, or person acting under the licensee's, permittee's, or entitled person's direction or control.

(3) A violation of any federal law relating to the fishery for which the license, permit, or other entitlement was issued by the licensee, permittee, person holding the entitlement, or his or her agent, servant,

employee, or person acting under the licensee's, permittee's, or entitled person's direction or control.

(c) The person to whom the commercial fishing license, permit, or other entitlement is issued shall be present when fish are being taken, possessed aboard a boat, or landed for commercial purposes. This subdivision does not apply to commercial fishing vessel permits or licenses.

(d) The commercial fishing license, permit, or other entitlement shall be in the licensee's, permittee's, or entitled person's possession, or immediately available to the licensee, permittee, or entitled person at all times when engaged in any activity for which the commercial fishing license, permit, or entitlement is required.

(e) Not more than one individual commercial fishing license, permit, or other entitlement of a single type shall be issued to an individual person and not more than one commercial vessel fishing license, permit, or other entitlement of a single type shall be issued for each vessel.

(f) Any landing of fish used to qualify for, or renew, a commercial fishing license, permit, or other entitlement shall be reported on landing receipts delivered to the department pursuant to Section 8046.

(g) In addition to any other requirements in Article 7.5 (commencing with Section 8040), the name of the person issued the commercial fishing license, permit, or other entitlement authorizing the taking of the fish shall be included on the landing receipt for that landing.

(h) An application for a commercial fishing license, permit, or other entitlement shall be made on a form containing the information the department may require. The commercial fishing license, permit, or other entitlement shall be signed by the holder prior to use.

(i) Any person who has had a commercial fishing license, permit, or other entitlement suspended or revoked shall not engage in that fishery, and shall not obtain any other commercial fishing license, permit, or other entitlement that authorizes engaging in that fishery, while the suspension or revocation is in effect.

(j) A commercial fishing license, permit, or other entitlement is not transferable unless otherwise expressly specified in this code.

(k) Every commercial fishing license, permit, stamp, commercial boat registration, or other entitlement issued pursuant to this part, except commercial fish business licenses issued pursuant to Article 7 (commencing with Section 8030), is valid from April 1 to March 31 of the next following calendar year or, if issued after the beginning of that term, for the remainder thereof.

(l) A person who holds a commercial fishing vessel permit or other entitlement authorizing the use of a vessel for commercial fishing shall also hold a valid commercial boat registration for that vessel, issued pursuant to Section 7881, that has not been suspended or revoked.

(m) A person who holds a commercial fishing license, permit, registration, or other entitlement, who moves or acquires a new address shall notify the department of the old and new addresses within three months of acquiring the new address.

#### **§7858. Additional conditions for conditional permit for limited entry fishery.**

In addition to the conditions specified in Section 7857, the following conditions apply to a commercial permit to take, possess aboard a boat, or land fish for commercial purposes in a limited entry fishery, as defined in Section 8100:

(a) The permit shall be renewed annually.

(b) Except as otherwise provided by law, an appeal for the denial of a renewal application or for a waiver of any landing requirements shall be reviewed and decided by the department. The appeal shall be received by the department or, if mailed, postmarked on or before March 31 following the permit year in which the applicant last held a valid permit for that fishery. The decision of the department may be appealed to the commission. This section does not apply to permits issued pursuant to Section 8550.

#### **§8046. Landing Receipts**

(a) The original signed copy of the landing receipt made under Section 8043 or 8043.1 shall be delivered to the department on or before the 16th or last day of the month in which the fish were landed, whichever date occurs first after the landing. A copy of the landing receipt shall be delivered to the commercial fisherman at the time of the purchase or receipt of the fish. That copy of the landing receipt shall be retained by the commercial fisherman for a period of four years and shall be available for inspection at any time during that period by the department. A copy of the landing receipt shall be kept by the person licensed pursuant to Article 7 (commencing with Section 8030) who filled out the landing receipt for a period of four years and shall be available for inspection at any time within that period by the department.

(b) On delivery of sardines, anchovies, mackerel, squid, tuna, or bonito intended to be processed or sold as fresh fish, the person licensed pursuant to Article 7 (commencing with Section 8030) who filled out the landing receipt, upon request of the authorized agent described in subdivision (c), shall notify the authorized agent of the unloading and weighing of the fish and shall permit the authorized agent to be present at all times during the weighing of the fish.

(c) A copy of the landing receipt shall be delivered to an agent authorized in writing by the majority of the persons who participated in the taking of the fish, excluding the commercial fisherman receiving the original copy.

#### **§8046.1. Groundfish Landing Receipts**

In addition to the requirements of Section 8046, any person landing groundfish subject to federal groundfish regulations adopted pursuant to the Magnuson Fishery Conservation and Management Act (16 U.S.C. Sec. 1801 et seq.) shall keep a copy of the landing receipt on board the fishing vessel throughout, and for 15 days following, each period for which cumulative landings by individual vessels are limited.

#### **§8100. "Limited entry fishery".**

"Limited entry fishery" means a fishery in which the number of persons who may participate or the number of vessels that may be used in taking a specified species of fish is limited by statute or regulation.

(a) Any licensed fisherman shall be eligible for inclusion during the initial year of a limited entry fishery which is established by statute that becomes operative after January 1, 1982, or by regulation that becomes operative after January 1, 1999, regardless of the prescribed conditions for entry into the fishery, if the fisherman presents to the department satisfactory evidence that he or she has been licensed as a California commercial fisherman for at least 20 years and has participated in the fishery for at least one of those 20 years, with qualifying participation in the fishery to be determined by the commission based on landings or other appropriate criteria.

(b) Fishermen who have established eligibility to participate in a limited entry fishery under this section are subject to conditions of continuing eligibility established by statute or regulation if those fishermen desire to maintain their eligibility.

### **COMMERCIAL FISHING LICENSES**

#### **FGC Excerpts**

#### **§7850. Persons required to hold license; registration of presence on board; Exception as to live freshwater fish licenses.**

(a) Excepting persons expressly exempted under this code, no person shall use or operate, or assist in using or operating, any boat, aircraft, net, trap, line, or other appliance to take fish or amphibia for commercial purposes, and no person shall cause to be brought ashore, any fish or amphibia at any point in the state for the purpose of selling them in a fresh state or shall contribute materially to the activities on board the commercial fishing vessel, unless the person holds a commercial fishing license issued by the department.

(b) Any person not required under subdivision (a) to hold a commercial fishing license shall register his or her presence on board the commercial fishing vessel in a log maintained by the owner or operator of the vessel according to the requirements of the department.

(c) As used in this section, "person" does not include persons who are less than 16 years of age, a partnership, corporation, or association. Any person, partnership, corporation, limited liability company, or associated may pay the fees for a license issued to any person.

(d) This article does not apply to the taking, transporting, or selling of live freshwater fish for bait by the holder of a live freshwater bait fish license issued pursuant to Section 8460.

#### **§7852. Fees; Term of license.**

(a) The department shall issue a commercial fishing license to any resident who is 16 years of age or older, upon payment of a crewmember or resident vessel operator.

(b) The department shall issue a commercial fishing license to any nonresident who is 16 years of age or older, upon payment of a base fee of two hundred eighty-five dollars (\$285) for a nonresident vessel crewmember or nonresident vessel operator.

(c) The base fees specified in this section are applicable to the 2004 license year, and shall be adjusted annually thereafter pursuant to Section 713.

(d) Nothing in this section affects any other provision of law relating to the employment of minors.

#### **§7852.27. Possession and signature - Commercial Licenses.**

At all times when engaged in any activity described in Section 7850 or Article 7 (commencing with Section 8030) for which a commercial fishing license is required, the licensee shall have in his or her possession, or immediately available to the licensee, a valid driver's license or identification card issued by the Department of Motor Vehicles or by the entity issuing driver's licenses from the licensee's state of domicile.

### **COMMERCIAL BOAT REGISTRATION**

#### **FGC Excerpts**

#### **§7601. "Owner" or "Vessel Owner".**

"Owner" or "vessel owner" means the person or persons designated as the registered owner of a vessel on a certificate of documentation issued by the United States Coast Guard or on a copy of the vessel registration issued by the vessel registration agency of the state where the owner is a resident. For purposes of this section, the vessel registration agency in California is the Department of Motor Vehicles.

#### **§7880. Display of registration number by vessel; Method; Transferability of number.**

(a) Every person owning or operating any vessel used in connection with fishing operations for profit who has been issued a commercial boat registration pursuant to Section 7881 shall display, for the purpose of identification, a Department of Fish and Game registration number on the vessel in a manner designated by the department.

(b) The method of displaying the registration number on the vessel shall be determined by the department after consultation with the Department of Boating and Waterways, taking into consideration the responsibilities and duties of the Department of Boating and Waterways as prescribed in the Harbors and Navigation Code.

(c) The registration number is not transferable, and it is a permanent fixture upon the vessel for which it is originally issued.

#### **§7881. Registration of commercial fishing vessel.**

(a) Every person who owns or operates a vessel in public waters in connection with fishing operations for profit in this State, or who brings fish into this state, or who, for profit, permits persons to fish therefrom, shall submit an application for Commercial boat registration on forms provided by the department and shall be issued a registration number.

(b) A commercial boat registration may be issued to any resident owner or operator of a vessel upon payment of a base fee of two hundred fifty dollars (\$250). The commercial boat registration shall be carried aboard the vessel at all times, and shall be posted in a conspicuous place.

(c) A commercial boat registration may be issued to any nonresident owner or operator of a vessel upon payment of a base fee of seven hundred fifty dollars (\$750). The commercial boat registration shall be carried aboard the vessel at all times and shall be posted in a conspicuous place.

(d) If a registered vessel is lost, destroyed, or sold, the owner of the vessel shall immediately report the loss, destruction, or sale to the department.

(e) This section does not apply to any person required to be licensed as a guide pursuant to Section 2536.

(f) The base fees specified in this section are applicable to the 2004 license year, and shall be adjusted annually thereafter pursuant to Section 713.

### **COMMERCIAL PASSENGER FISHING VESSEL LICENSES**

#### **Title 14 Excerpts**

#### **§27.67. Transport of Recreational Finfish Through a Restricted Fishing Area.**

The department may authorize recreational vessels that have finfish in possession that were legally taken within a Rockfish and Lingcod Management Area defined in Section 27.82(a), Title 14, CCR, to transport those finfish through another Rockfish and Lingcod Management Area in which regulations governing the take and possession of those species are different. The permit described in this section is not required for vessels operating entirely within a Rockfish and Lingcod Management Area. Permission shall be granted on an annual permit signed by the Regional Manager of the Department of Fish and Game's Marine Region. To apply for a permit, an owner or operator of a vessel required to obtain a commercial passenger fishing boat license, or a recreational angler shall submit an application for Permit for Transit of Recreational Finfish Through Restricted Fishing Areas (form FG 672 (new 01/01/01) which is incorporated by reference herein), and an annual fee of \$30.00 per year, or \$7.50 for a period of 30 days or less. The permit shall be onboard the vessel when transiting waters closed to sport fishing.

#### **§105.5. Cooperation with State and Federal Fishery Observers.**

(a) Owners or operators of commercial fishing vessels permitted under regulations of the Commission, and commercial passenger fishing vessels licensed pursuant to Fish and Game Code Section 7920, will, as a condition of permit or license issuance, cooperate with Department or Federal fishery observers, or observers collecting data for the Department, when asked to carry and accommodate an observer on fishing trips at no charge to the sponsoring agency.

(b) If observer coverage of a trip is denied by the owner or operator of a vessel, the Department may require an explanation in writing from the owner or operator. This explanation shall be received by the Department within 15 days of written request by the Department for an explanation.

(c) The Department may request revocation of fishing permits or licenses to the Commission for denials that it deems to be uncooperative in nature, after first allowing the owner or operator to meet with the Manager of Marine Region, or his representative, to provide an explanation for the denial.

(d) The Department or Federal agency requesting cooperation under subsection (a) shall not require the vessel operator or owner to provide an observer with meals or a subsistence allowance on observed fishing trips, but shall accommodate the observer with regard to reasonable eating and working conditions and access to pertinent fishing information and fishery data while aboard the vessel.

(e) Failure to provide reasonable eating and working conditions or access to pertinent fishing information or fishery data to observers, or actions taken by a vessel owner or operator against an observer that is prohibited pursuant to subsection (f), on observed fishing trips may lead to revocation of the vessel's fishing permits or licenses issued under regulations of the Commission following the procedure outlined in subsections (b) and (c) above.

(f) To ensure that observer objectives may be reasonably and safely achieved, consistent with federal groundfish observer rules, it is unlawful for any person to do any of the following:

(1) forcibly assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with an observer,

(2) interfere with or bias the sampling procedure employed by an observer, including physical, mechanical, or other sorting or discarding of any catch before sampling,

(3) tamper with, destroy or discard an observer's collected samples, equipment, or personal gear, without the express consent of the observer,

(4) prohibit or bar by command, impediment, threat, coercion, or refusal of reasonable assistance, an observer collecting samples, making observations, or otherwise performing the observer's duties,

(5) harass an observer by conduct that has sexual connotations, has the purpose or effect of interfering with the observer's work performance, or otherwise creates an intimidating, hostile or offensive environment,

(6) require, pressure, coerce, or threaten an observer to perform duties normally performed by crew members

#### **§195. Report of Fish Taken, to be Made by Owner of Barge or Vessel for Hire, and Boat Limits.**

(a) Records required by Sections 7923 and 8026 of the Fish and Game Code shall be made on a form provided by the department (Skipper's Log Book-Marine Sportfishing Southern California F&G 656 and Skipper's Log Book-Marine Sportfishing Central and Northern California F&G 623, DFG 195, which is incorporated by reference, and hereafter referred to as logbook for purposes of this section). The logbook shall include the following information and be completed and available for inspection as specified in this section:

(1) A full and correct record of fish taken, including species or specified species group filled out before the trip is completed (see Section 190(b) of Title 14, CCR). The names used for designating the species of fish shall be those in common usage unless otherwise designated by the department.

(2) The owner/operator copy of the logbook shall be maintained and kept on the vessel for a period of one year, and upon request, shall be made available for inspection by any authorized representative of the department.

(3) The numbered logbook shall be completed sequentially. A voided log shall have the word "Void" plainly and noticeably written on the face of the log.

(b) The owner(s) and/or operator(s) of each vessel required to obtain a license under Sections 7920 of the Fish and Game Code shall post a notice in a prominent place on the vessel giving information to fishermen on license requirements, bag limits, and other pertinent information. This notice shall be furnished by the department.

(c) Both the vessel owner(s) and/or operator(s) shall be responsible for keeping accurate records and insuring the vessel is in compliance with subsections (a) and (b) above.

(d) All fishing activity records are confidential pursuant to Fish and Game Code Sections 7923 and 8022 and Government Code Sections 6276 and 6276.10.

(e) Boat Limits: When two or more persons licensed or otherwise authorized to sport fish in ocean waters off California or in the San Francisco Bay District, as defined in Section 27.00, are angling for finfish in these waters aboard a vessel licensed under Section 7920, fishing by these persons (to include vessel operator(s) and crew members where licensed to sportfish under their own individual limits) may continue until the passenger's boat limits of those finfish identified in Sections

27.60 (a) through (c) are taken and possessed aboard the vessel as authorized under this section.

(1) For purposes of this section, the vessel operator(s) and crew members are not passengers and may not take fish towards obtaining boat limits for passengers except for casting, setting trolling gear, gaffing or netting fish, but may take fish during a fishing trip for their personal use only. Vessel operator(s) and crew members may assist passengers in other activities including, but not limited to, obtaining bait, chumming, baiting and untangling hooks and lines, identifying, dispatching, filleting, counting, bagging and otherwise handling fish taken by passengers. Upon completion of a fishing trip, the vessel operator(s) and crew members may only possess fish that are part of the own personal bag limit not to exceed authorized sportfishing daily bag and possession limits.

(2) Fish taken by operator(s) and crew members for personal use pursuant to (e)(1) above must be separated from fish taken under a boat limit and labeled in a manner that they can be identified as an individual operator's or crew members fish. Operator(s) and crew members are also prohibited from giving all or part of their individual limit to any passenger during or after a trip.

(3) The authorization for boat limits aboard a vessel does not apply to fishing trips originating in California where fish are taken in other jurisdictions.

(4) A boat limit for a species or species group is equal to the number of passengers aboard the vessel that are licensed or otherwise authorized to sport fish in ocean waters off California or in the San Francisco Bay District multiplied by the individual daily bag limit authorized for a species or species group as specified in Section 27.60 (a) through (c), Title 14, CCR. For purposes of this section, the number of passengers shall not include the vessel operator(s) and crew members. It is unlawful to exceed the boat limit at any time.

(5) Prior to the departure on a fishing trip of a vessel that is operating under authority of a license issued pursuant to Fish and Game Code Section 7920, the number of passengers on the vessel authorized to fish shall be recorded under "number of fishers" on the logbook, for that trip. The number of the vessel operator(s) and crew members for that trip shall be recorded in the space to the right of the operator's signature on the logbook.

(6) Upon completion of a sport fishing trip aboard a vessel reporting under this section, each licensed or otherwise authorized angler may not possess more than the daily bag and possession limits specified in subsections 27.60 (a) through (c) consistent with subsection (e)(1). For the purposes of this section, a fishing trip is completed at the time a person disembarks from the vessel and individual possession limits apply.

(7) Species or species groups for which no daily bag limit exists under Section 27.60 (d), Title 14, CCR, are not included in the boat limit.

(f) Where boat limits are provided for in this section, the vessel operator(s) and crew members may be cited for violations occurring aboard the vessel, including but not limited to violations of the following:

(A) Overlimits

(B) Possession of prohibited species

(C) Minimum size limits

(D) Fish taken out of season or in closed areas

#### **FGC Excerpts**

##### **§7920. Persons Required to Procure License Application of article.**

The owner of any boat or vessel who, for profit, permits any person to fish therefrom, shall procure a commercial passenger fishing boat license.

This article applies only to a boat or vessel whose owner or his employee or other representative is with it when it is used for fishing. A person operating a guide boat, as defined in Section 46, is not required to obtain a commercial passenger fishing boat license.

##### **§7921. Duration of license fee.**

The base fee for a commercial passenger fishing boat license is two hundred fifty dollars (\$250) in the 2004 license year, which shall be adjusted annually thereafter pursuant to Section 713. The commercial

passenger fishing vessel license shall be issued to the holder of a commercial boat registration issued pursuant to Section 7881.

**§7925. Commercial fishing salmon stamps; Vessels operating north of Point Arguello.**

(a) If a vessel is licensed under this article and issued to take salmon or has salmon aboard in ocean waters north of Point Arguello, there shall be on board that vessel, a total number of commercial fishing salmon stamps sufficient to have at least one for the operator and one for each crewmember required by United States Coast Guard regulations, excepting an operator or a crewmember who is exempt from the requirement under subdivision (b) of Section 7860. The commercial fishing salmon stamps shall be affixed to either the commercial fishing licenses of the operator and the crewmembers or, pursuant to subdivision (b), to the commercial passenger fishing license. No person shall operate, or cause to be operated, any vessel licensed under this article in violation of this subdivision. Vessels permitted as commercial salmon fishing vessels pursuant to Section 8234 are exempt from the requirements of this subdivision.

(b) Notwithstanding Section 1053, the department may issue to the owner or operator of a vessel licensed pursuant to this article, upon application and payment of the fees prescribed in subdivision (c) of Section 7860, one commercial fishing salmon stamp for the operator and not more than one additional commercial salmon stamp for each crewmember required by the United States Coast Guard regulations. The commercial fishing salmon stamps issued under this subdivision shall be affixed to the vessel's commercial passenger fishing boat license issued pursuant to this article.

**FISHING ACTIVITY RECORDS (LOGBOOKS)**

Drift gill, shrimp, prawn, general gill, swordfish, sea cucumber, sea urchin, sardine for bait, lobster, trap, squid, pink shrimp permit holders and commercial passenger fishing vessel owners or operators are subject to the provisions of §190, Title 14, of the CCR.

**Title 14 Excerpts**

**§190. Fishing Activity Records.**

Pursuant to Sections 7923 and 8026, Fish and Game Code, the owner and operator of a commercial fishing vessel or the holder of a commercial fishing license or permit participating in specified fisheries, and the owner and license holder of a commercial passenger fishing vessel shall keep and submit a complete and accurate record of fishing activities.

(a) Fishing activity records shall be kept on forms provided by the department.

(b) Fishing activity records shall be kept on the vessel while it is engaged in, or returning from, fishing operations and shall be completed before the end of a trip, at the time of sale of the catch or at the end of each day's fishing.

(c) Fishing activity records shall be delivered to the department at 4665 Lampson Avenue, Suite C, Los Alamitos, CA 90720, or such other department office as may be specified in regulation on or before the 10th day of each month following the month to which the records pertain. Fishing activity records that are mailed shall be postmarked on or before the 10th day of each month following the month to which the records pertain.

(d) Failure to keep and submit required records of fishing activity may result in revocation or suspension (including non-renewal) of the license or permit for the taking of all fish or for the particular species for which the records are required, by the Department, for a period not to exceed one year. Any revocation, suspension or non-renewal may be appealed to the Commission.

(e) All fishing activity records shall be deemed confidential upon receipt by the Department.

**COMMERCIAL AIRCRAFT REGISTRATION**

**FGC Excerpts**

**§7892. Aircraft Registration Commercial Fishing; Fee.**

The department shall issue to any person owning or operating an aircraft used in connection with commercial fishing operations in this state an aircraft registration for that aircraft. The registration shall be carried aboard the aircraft at all times when the aircraft is used in connection with commercial fishing operations. The fee for a commercial aircraft registration shall be two hundred dollars (\$200).

**ABALONE**

Subject to the provisions of §100, Title 14, of the CCR, and FGC §5521, abalone may not be taken, possessed or landed for commercial purposes from California waters.

**FGC Excerpts**

**§2371. Abalone Import Requirements.**

Abalone or abalone meat legally taken outside this state may be imported into this state when accompanied by a United States custom-house entry certificate showing the place of origin, and a certificate or clearance from the responsible governmental agency to the effect that such shipment was made in compliance with the laws and regulations of the place or country of origin, and such abalone or abalone meat may be possessed in this state and shipped or transported out of the state, but all containers of such abalone shall be marked with the abalone's place or country of origin.

**ANCHOVY**

**Title 14 Excerpts**

**§147. Granting and Issuance of Permits to Take and Use Anchovies by Reduction Process.**

Anchovies shall not be taken, possessed, landed, or processed for reduction purposes except under revocable permits issued pursuant to this section. Anchovies may be taken for reduction purposes in the Northern Permit Area from August 1 to June 30. Anchovies may be taken for reduction purposes in the Southern Permit Area from September 15 to June 30.

(a) Permits to Take, Possess, Land or Transport Anchovies.

(1) To Whom Issued. Revocable permits shall be issued to the owner or operator of a currently registered California commercial fishing vessel. Permits may not be transferred from one boat to another without authorization from the department. The individual to whom the permit is issued must be aboard when fishing for anchovies for reduction purposes. Any permittee whose permit has been revoked may not take or assist in taking anchovies for reduction purposes for the remainder of the season.

(2) Where Issued. Permits may be obtained from the department offices at Long Beach and Monterey. Such permits shall be valid until terminated or revoked.

(3) Conditions of Permits.

(A) Suspension of Permits. When the harvest quotas established by the commission in subsection (a)(3)(F) are close to being reached, the department will notify all permit holders of the closing date 48 hours prior thereto.

(B) Gear Specifications:

1. It is unlawful for any permittee to use a roundhaul net, with a wet-stretch mesh size less than 10/16 of an inch, except that the bag portion of a purse seine net may have a wet-stretch mesh size of not less than 8/16 of an inch, to take anchovies for reduction purposes. The bag portion of a purse seine net shall be constructed as a single unit and shall not exceed 12.5 percent of the total area of the net.

2. It is unlawful for any permittee to possess aboard his fishing vessel

any fishing gear contrary to the above specifications when anchovies taken for reduction purposes are possessed aboard the vessel.

3. Minimum mesh size requirements are met if a standard stainless steel wedge of appropriate gauge can be passed, with thumb pressure only, through 16 of 20 sets of two meshes each of wet mesh.

4. Notwithstanding these gear specifications, a permittee may, until April 1, 1986, possess and use a roundhaul net of smaller mesh size if, prior to use, the permittee has notified the department and has demonstrated to the department that the net was used in the California anchovy reduction fishery prior to May 24, 1983.

(C) Gear Inspection. Fishing gear possessed aboard a permittee's vessel shall be subject to inspection by the department at all times to determine compliance with gear specification requirements specified in subsection (a)(3)(B).

(D) Vessel Identification. The operator of any boat engaged in taking anchovies under these regulations shall at all times while operating such boat identify it by displaying on an exposed part of the superstructure, amidship on each side and on top of the house visible from the air, the department's registration number of the boat in 14-inch black numerals on white background.

(E) Declaration of Intent to Take, Possess, Land or Transport Anchovies for Reduction Purposes.

1. The provisions of subsection (a)(3)(E) shall apply only to vessels taking anchovies for reduction purposes in the Southern Permit Area as described in subsection (a)(3)(F)2.

2. No vessel shall be operated to take, carry or deliver anchovies for reduction purposes unless a declaration of intent has been filed regarding said vessel in accordance with these regulations.

3. Before a vessel operator can file a declaration of intent as required by subsection (a)(3)(E) he must be the operator of a vessel duly registered as provided by Section 7890 of the Fish and Game Code, and must possess a valid commercial fishing license.

4. No vessel operating under the authority of a declaration of intent filed pursuant to these regulations shall take, carry or deliver anchovies for any purpose other than reduction except when taking anchovies for canning or live bait purposes as provided in subsection (a)(3)(E)12 of these regulations, or when operating pursuant to an exception filed in accordance with subsection (a)(3)(E)5 of these regulations. When operating under the authority of an exception, no anchovies may be taken for reduction purposes.

5. During the period for which the declaration is in force and effect, a named vessel may be used to take, carry and deliver anchovies for other than reduction purposes if, and only if, operator files an exception in accordance with the following provisions.

(a) When the operator intends to use said vessel to take anchovies for purposes other than reduction, he shall so notify the Long Beach office of the department, either by letter or telegram, prior to the commencement of fishing. This notice shall be posted or sent prior to the commencement of fishing and shall be effective only on the vessel named.

(b) The notice shall contain the following information: the calendar days for which the exception is to be effective; the purpose for which the anchovies are to be taken; and the name and registration number of the vessel.

6. Declaration of intent shall be filed with the department during normal working hours at the San Diego or Long Beach office of the department. The declaration of intent shall be filed on forms furnished by the department.

7. Each declaration of intent shall specify the vessel to which it applies. Only one vessel may be specified on any one declaration, but a qualified applicant may file separate declarations for more than one vessel.

8. Except as otherwise provided, any declaration of intent filed pursuant to these regulations shall be in force only during the open season, or if filed after the beginning of such term, for the remainder thereof.

9. A copy of each declaration filed under subsection (a)(3)(E) to take anchovies shall be carried aboard the vessel to which it relates and shall be exhibited upon demand to the authorized representative of any reduction plant to which said vessel is delivering anchovies and upon demand

to any officer of the department.

10. No vessel which has filed a declaration of intent to take, carry and deliver anchovies for purposes of reduction and has filed no exception thereto shall place any net in the water for the purpose of taking anchovies in any unauthorized area. In the event of any violation of this section, the operator of said vessel shall be deemed in violation thereof.

11. Whenever anchovies are possessed aboard a vessel for which declaration of intent to take, carry and deliver anchovies for reduction purposes has been filed and such declaration is in full force and effect, and not then subject to any notice of exception pursuant to subsection (a)(3)(E)5, it shall be conclusively presumed that said anchovies were taken and were being carried for reduction purposes.

12. Notwithstanding the other provisions of subsection (a)(3)(E), vessels operating under a declaration of intent to take anchovies for reduction purposes may also take anchovies for canning purposes, pursuant to the appropriate sections of the Fish and Game Code and of this section, and may also take anchovies for live bait purposes, providing that all conditions, laws, and regulations pertaining to the reduction fishery are adhered to while so engaged in live bait fishing.

(F) Permit Areas and Quotas.

1. Northern Permit Area. The area shall include the waters of the Pacific Ocean between the California-Oregon border and a line extending due west (true) from Point Buchon. Anchovies taken under the provisions of these regulations may be taken in all waters of the northern permit area described above, with the following exceptions: within Districts 2, 8, 9, 11, 12, 13, 15; the waters of Bodega and Tomales Bay; that portion of District 10 lying inshore of a line beginning at Pigeon Point (San Mateo County) northwesterly in a straight line to the U.S. Navigation Light on S.E. Farallon Island, northerly in a straight line to the U.S. Navigation Light on Pt. Reyes (Marin County); that portion of District 16 lying southerly of the Monterey Breakwater magnetic east to shoreline; that portion of District 18 within three miles of shore in the area lying between a line drawn magnetic west of Point Estero and a line drawn magnetic west of Point Buchon; and that portion of District 18 within three miles of shore in that area lying between a line drawn magnetic west of Point San Luis and a line drawn magnetic west of Arroyo Grande Creek.

2. Southern Permit Area. The area shall include the waters of the Pacific Ocean between the United States-Mexico International Boundary and a line extending due west (true) from Point Buchon. Anchovies taken under the provisions of these regulations may be taken in all waters of the southern permit area described above, with the following exceptions: within three miles of the mainland shore south of Point Buchon and in all districts or portions of districts where and at such times as the use of roundhaul nets is prohibited; within four miles of the mainland shore between lines running 235° magnetic from the steam plant stack at Mandalay Beach and 205° magnetic from the steam plant stack at Ormond Beach; within the area encompassed by a line extending six miles 165° magnetic from Point Fermin, thence to a point located three miles offshore on a line 210° magnetic from Huntington Beach pier; within six miles of the mainland shore south of a line running 210° magnetic from the tip of the outer breakwater of Oceanside Harbor.

3. Quotas. The total tonnage reserved for the northern permit area and the total tonnage for the southern permit area shall be the same as those established by the National Marine Fisheries Service under the provisions of the Northern Anchovy Fishery Management Plan. Pursuant to 50 Code of Federal Regulations Section 662.20, an announcement of harvest quotas will be made by notice in the Federal Register on or about August 1 of each year.

4. Adjustments to Quotas. If during the season the maximum quota set by the commission for the northern or southern permit areas should be approached, the commission will consider an increase in the quota for the area approaching its quota. After May 15, any tonnage remaining in the quota for the northern permit area will be made available to southern area permittees.

(b) Permits to Reduce Anchovies.

(1) Qualifications of Permittee. To be eligible for a reduction permit under these regulations each applicant must have the license provided in

Section 8042(a) of the Fish and Game Code, and supply proof to the satisfaction of the department that the applicant can properly unload, weigh, and utilize anchovies for reduction before any permit is issued.

(2) Applications. All applications for permits to reduce whole anchovies for a given season must be received by the Fish and Game Commission, 1416 Ninth Street, Sacramento, CA 95814, on or before the close of business on the preceding July 15.

(3) Limitation of Permit. Not more than one permit shall be issued for each plant. Permits shall not be transferred without prior authorization from the commission.

(4) Duration of Permit. Except as otherwise provided, any permit issued pursuant to these regulations shall be in force only for the time as specified on such permit.

(5) Records. The permittee shall submit daily to the nearest office of the department receipts required under the provisions of Section [8043] of the Fish and Game Code for all anchovies purchased or received that day for reduction.

(6) Plant Delivery. No reduction plant shall take delivery of anchovies from any vessel whose operator has not filed a declaration of intent required under subsection (a)(3)(E) to take, carry and deliver anchovies for reduction purposes.

(7) Weighing of Fish Landed. No anchovies intended for use or used in any reduction plant shall be unloaded from any vessel except at a weighing or measuring device approved by the Bureau of Weights and Measures. Such anchovies shall be weighed by a public weighmaster licensed as an individual under the laws of this state and a receipt as to such weight shall be immediately issued by him to the fisherman at the time of receipt of such anchovies. Copies of such receipt shall be handled in the manner provided in Sections [8043] to [8046] of the Fish and Game Code.

(8) Fish from South of the International Boundary. Anchovies taken south of the United States-Mexico International Boundary and landed in California for reduction process shall be included in the total quota set by these regulations for the southern permit area.

(c) These regulations shall be set forth in or attached to all permits. Permits shall be issued only upon conditions contained in the application and signed by the applicant that he has read, understands and agrees to be bound by all the terms of the permit. A copy of these regulations shall be given to every person who files a declaration of intent pursuant to these regulations.

(d) Revocation of Permits. Any permit may be revoked by the commission upon breach or violation of any Fish and Game law or regulation or violation of the terms or conditions of the permit by holders thereof, their agents, servants, employees, or those acting under their direction and control.

## **FGC Excerpts**

### **§8180. Taking for bait or human consumption; Limitations as to place and amount.**

In any district or part of a district lying south of a line drawn east and west through Point Mugu, anchovies may be taken in any quantity for bait or for human consumption in a fresh state, or, by contract with the department, for hatchery food, not to exceed 500 tons per year.

### **§8181. Possession, transportation or sale; Conditions as to place of taking.**

Anchovies taken south of that line in waters not less than three nautical miles from the nearest point of land on the mainland shore, and anchovies taken north of that line in any waters, may be possessed, transported, sold, or otherwise dealt with in any district or part of a district south of that line.

### **§8182. Display by boat operator of boat registration number.**

The operator of any boat engaged in taking anchovies in waters south of the line described in Section 8180 shall at all times while operating such boat identify it by displaying on an exposed part of the superstructure, amidships on each side on top of the house visible from the air, the

Department of Fish and Game registration number of the boat, in 14-inch black numerals on white background.

### **§8183. Taking in Humboldt Bay.**

No anchovies may be taken for any purpose in Humboldt Bay, except under the following conditions:

(a) Anchovies may be taken for live bait between May 1 and December 1 and may be taken for dead bait between May 1 and August 31. The operator of a vessel may take anchovies only for use in his or her own fishing operation, except that the operator may make incidental sales of anchovies so taken to local sport fishermen for their use as bait.

This subdivision does not prevent the cooperative effort of two or more vessel operators or their crews working together with one net if each operator has complied with the notification requirement in subdivision (b).

(b) An observer who is an employee of the department shall inspect any bait operation and may halt that operation if the operation cannot be conducted without adversely affecting the game species of the bay. Notification of all bait operations shall be dispatched so as to be received by the department at least 12 hours prior to the commencement of the operation.

(c) Anchovies may be taken in Districts 8 and 9 only north of a line extending through channel markers 8 and 9 in Humboldt Bay.

(d) Not more than 15 tons of anchovies may be taken between May 1 and August 31 of each year and not more than 15 tons may be taken between September 1 and December 1 of each year.

(e) Only bait nets, as defined in Section 8780, shall be used to take anchovy.

(f) Any game fish caught incidentally in bait nets shall be released by use of a hand scoop net or by dipping the cork line.

An accurate record of all fishing operations shall be kept and is subject to inspection by the department.

The commission shall adopt any other regulation it determines is necessary to protect the Humboldt Bay anchovy resource.

### **§8190. Policy Regarding Management of Anchovy Resource.**

(a) It is the policy of the State of California that the anchovy resource shall be managed in a manner which insures the continued abundance of the species. To that end, the department shall conduct, or have others conduct, annual anchovy egg-larvae surveys or any other annual surveys, research, and analyses necessary to insure that an accurate biomass estimate is made.

(b) This section shall become operative, and activities shall be carried out pursuant to this section only in the event, and to the extent, that funding is made available for such activities by the federal government.

### **§8750. Definition.**

As used in this article, "round haul nets" are circle seines, and include purse seines and ring or half ring, and lampara nets.

### **§8751. Districts 1, 2, and 3.**

In Districts 1, 2, and 3, round haul nets may not be possessed on any boat, except in that part of District 3 lying within the boundaries of the Moss Landing Harbor District, where round haul or any other type of nets may be possessed on any boat, and except in that part of District 2 lying within Marin County.

### **§8752. Districts 6, 7, 8, 9, 10, and 11.**

In Districts 6, 7, 8, 9, 10, and 11, purse and round haul nets may be used.

### **§8754. Districts 16, 17, 18, and 19**

In Districts 16, 17, 18, and 19, purse and round haul nets may be used, except that purse seines or ring nets may not be used in that portion of District 19 lying within three miles offshore from the line of the high-water mark along the coast of Orange County from sunrise Saturday to sunset Sunday from May 1 to September 10, inclusive.

Purse seine or ring nets may not be used from May 1 to September 10, inclusive, in the following portions of District 19:

- (a) Within a two-mile radius of Dana Point.
- (b) Within a two-mile radius of San Mateo Point.
- (c) Within two miles offshore from the line of the high-water mark along that portion of the coast of Orange County lying between the northernmost bank of the mouth of the Santa Ana River and a point on that coast six miles south therefrom.

#### **§8755. Districts 20A and 21.**

In Districts 20A and 21, purse and round haul nets may be used.

(a) Purse and round haul nets may be used, except: (1) from sunrise Saturday to sunset Sunday, in that portion of District 20 from a line extending three nautical miles east magnetically from the extreme easterly end of Santa Catalina Island southwesterly and northerly to a line extending three nautical miles southwest magnetically from the most southerly promontory of China Point and (2) at any time during the period commencing on June 1 and ending on September 10 in each year, in that portion of District 20 from a line extending three nautical miles east magnetically from the extreme easterly end of Santa Catalina Island southerly to a line extending three nautical miles southeasterly magnetically from the United States government light on the southeasterly end of Santa Catalina Island.

(b) Subdivision (a) shall not be construed as restricting the right to use the waters therein specified for anchorage of vessels at any time.

#### **§8757. Use in Districts 20A and 21; Exceptions.**

Notwithstanding Section 8661, and in addition to Sections 8754, 8755, and 8780, round haul nets may be used to take fish in those portions of Districts 19 and 20 that are closed to the use of round haul nets by Sections 8754 and 8755 and in District 19B, but only for use or sale of those fish for live bait and subject to the following restrictions:

(a) In District 19B, round haul nets may not be used within 750 feet of Seal Beach Pier or Belmont Pier.

(b) It is unlawful to buy, sell, or possess in any place of business where fish are bought, sold, or processed, any dead fish taken under the authority of this section.

#### **§8780. "Bait net"; Authorized uses.**

(a) As used in this chapter, the term "bait net" means a lampara or round haul type net, the mesh of which is constructed of twine not exceeding Standard No. 9 medium cotton seine twine or synthetic twine of equivalent size or strength. The net shall not have rings along the lead line or any method of pursuing the bottom of the net.

(b) Bait nets may be used to take fish for bait in Districts 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19, 19A, 19B, 20A, 21, 118, and 118.5.

(c) In District 19A, bait nets may be used only to take anchovies, queenfish, white croakers, mackerel, sardines, squid, and smelt for bait only. Bait nets may not be used within 750 feet of Seal Beach Pier or Belmont Pier.

(d) No other species of fish may be taken on any boat carrying a bait net in District 19A, except that loads or lots of fish may contain not more than 18 percent by weight of the fish, of other bait fish species taken incidentally to other fishing operations and which are mixed with other fish in the load or lot.

#### **§8870. Authorized use; Restrictions.**

Dip nets may be used subject to the following restrictions:

(a) In Districts 1, 1½, 2, 3, and 4, dip nets may not be baited, and may not measure more than six feet in greatest breadth.

(b) In District 19, hand-held dip nets 30 feet or less in greatest breadth may be used. In that district dip nets may not be used within 750 feet of any pier, wharf, jetty, or breakwater, except to take anchovies, squids, and sardines for bait, and to take smelt.

(c) In District 20, hand-held dip nets 30 feet or less in greatest breadth may be used.

## **COASTAL PELAGIC SPECIES (CPS)**

For up to date information on federal regulations and management quotas, and allocation/reallocation schemes, see [swr.nmfs.noaa.gov/fmd/cps/cps.htm](http://swr.nmfs.noaa.gov/fmd/cps/cps.htm).

### **Title 14 Excerpts**

#### **§159. Commercial Fishing for Coastal Pelagic Species.**

(a) General provisions. No person shall engage in commercial fishing for coastal pelagic species (CPS) except as provided by the Fish and Game Code and regulations provided herein. Applicable regulations adopted by the U.S. Secretary of Commerce pursuant to the Magnuson Fishery Conservation and Management Act and published in Title 50, Code of Federal Regulations (CFR), Parts 600 and 660 are hereby incorporated and made a part of these regulations. Federal regulations shall be made available upon request from the Department of Fish and Game, Marine Region, 1416 Ninth Street, Box 944209, Sacramento, CA 94244-2090, phone number 916-653-6281.

(b) General Definitions. For purposes of these regulations, the following definitions shall apply:

(1) Actively managed species (AMS). Those CPS for which the Secretary has determined that harvest guidelines or quotas are needed by Federal management according to the provision of the federal CPS Fishery Management Plan.

(2) Advisory Subpanel (AP). The Coastal Pelagic Species Advisory Subpanel that comprises members of the fishing industry and public appointed by the Council to review proposed actions for managing the coastal pelagic fisheries.

(3) Biomass. The estimated amount, by weight, of a coastal pelagic species population. The term biomass means total biomass (age 1 and above) unless stated otherwise.

(4) Closure. Taking and retaining, possessing, or landing the particular species or species group is prohibited. Unless otherwise announced in the Federal Register, offloading must begin before the time the fishery closes.

(5) Coastal pelagic species (CPS). Includes northern anchovy (*Engraulis mordax*), Pacific mackerel (*Scomber japonicus*), Pacific sardine (*Sardinops sagax*), jack mackerel (*Trachurus symmetricus*), and market squid (*Loligo opalescens*).

(6) Coastal Pelagic Species Management Team (CPSMT). The individuals appointed by the Council to review, analyze, and develop management measures for the CPS fishery.

(7) Council. The Pacific Fishery Management Council, including its CPSMT, AP, Scientific and Statistical Committee (SSC), and any other committee established by the Council.

(8) Federally Designated Routine Management Measures. Routine Management Measures, identified as catch restrictions intended to keep landings within the harvest levels announced by the Secretary of Commerce and noticed in the Federal Register by the National Marine Fisheries Service, are hereby incorporated and made a part of these regulations. Should any federal management measures conflict with existing statutes, including Fish and Game Code Sections 8496 and 8842(b), or regulations of the commission, the provisions in the statutes or regulations which conflict with the federal management measures are made inoperative.

(9) Finfish. Includes northern anchovy, Pacific mackerel, Pacific sardine, and jack mackerel, but excludes market squid.

(10) Fishery Management Area. The EEZ off the coasts of Washington, Oregon, and California between 3 and 200 nautical miles offshore, bounded in the north by the Provisional International Boundary between the United States and Canada, and bounded in the south by the International Boundary between the United States and Mexico.

(11) Fishing trip. A period of time between landings when fishing is conducted.

(12) Harvest guideline. A specified numerical harvest objective that is not a quota. Attainment of a harvest guideline does not require

complete closure of a fishery.

(13) Harvesting vessel. A vessel involved in the attempt or actual catching, taking or harvesting of fish, or any activity that can reasonably be expected to result in the catching, taking or harvesting of fish.

(14) Land or Landing. To begin transfer of fish from a fishing vessel. Once transfer begins all fish onboard the vessel are counted as part of the landing.

(15) Limited entry fishery. The commercial fishery consisting of vessels fishing for CPS in the CPS Management Zone under limited entry permits issued under §660.512.

(16) Live bait fishery. Fishing for CPS for use as live bait in other fisheries.

(17) Monitored species (MS). Those CPS the Secretary has determined not to need management by harvest guidelines or quotas according to the provisions of the FMP.

(18) Nonreduction fishery. Fishing for CPS for use as dead bait or for processing for direct human consumption.

(19) Owner. A person who is identified as the current owner in the Certificate of Documentation (CG-1270) issued by the U.S. Coast Guard for a documented vessel, or in a registration certificate issued by a state or the U.S. Coast Guard for an undocumented vessel.

(20) Person. Any individual, corporation, partnership, association or other entity (whether or not organized or existing under the laws of any state), and any Federal, state, or local government, or any entity of any such government that is eligible to own a documented vessel under the terms of 46 U.S.C. 12102(a).

(21) Processing or to process. Preparing or packaging coastal pelagic species to render the fish suitable for human consumption, pet food, industrial uses or long-term storage, including, but not limited to, cooking, canning, smoking, salting, drying, filleting, freezing, or rendering into meal or oil, but does not mean heading and gutting unless there is additional preparation.

(22) Prohibited Species. All species of trout and salmon (Salmonidae) and Pacific Halibut (*Hippoglossus stenolepis*).

(23) Quota. A specified numerical harvest objective for a single species of CPS, the attainment (or expected attainment) of which causes the complete closure of the fishery for that species.

(24) Reduction fishery. Fishing for CPS for the purposes of conversion into fish flour, fish meal, fish scrap, fertilizer, fish oil, other fishery products, or byproducts for purposes other than direct human consumption.

(25) Regional Administrator. The Regional Administrator, Southwest Region, NMFS, 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213, or a designee.

(26) Reserve. A portion of the harvest guideline or quota set aside at the beginning of the year for specific purposes, such as for individual harvesting groups to ensure equitable distribution of the resource or to allow for uncertainties in preseason estimates of DAP and JVP.

(27) Secretary. The Federal Secretary of Commerce.

(28) Sustainable Fisheries Division (SFD). The Assistant Regional Administrator for Sustainable Fisheries, Southwest Region, NMFS, or a designee.

(29) Totally lost. The vessel being replaced no longer exists in specie, or is absolutely and irretrievably sunk or otherwise beyond the possible control of the owner, or the costs of repair (including recovery) would exceed the repaired value of the vessel.

(30) Trip limit. The total allowable amount of a CPS species by weight or by percentage of weight of fish on board the vessel that may be taken and retained, possessed, or landed from a single fishing trip by a vessel that harvests CPS.

## COONSTRIPE SHRIMP

### §180.15. Coonstripe Shrimp (*Pandalus danae*) Fishing.

(a) No person shall use a vessel to take, possess or land coonstripe shrimp for commercial purposes unless the owner of that vessel has been issued a coonstripe shrimp vessel trap permit for that vessel that has not

been suspended or revoked.

(b) The fee for a coonstripe shrimp vessel trap permit is \$76.25.

(c) Coonstripe shrimp may only be taken for commercial purposes by traps pursuant to this section and sections 180, 180.2, 180.5, Title 14, CCR.

(1) Coonstripe shrimp may not be taken from November 1 through April 30.

(2) All coonstripe shrimp taken during the closed season shall immediately be returned to the water. No coonstripe shrimp shall be possessed or landed aboard any commercial fishing vessel during the closed season.

(3) Coonstripe shrimp traps may be set and baited no earlier than noon on April 30.

(4) All traps must be removed from the water prior to November 1, weather and sea conditions permitting. In the event that a permittee is unable to comply with this subsection, then the permittee must notify an officer from the department's Enforcement Branch in the nearest department office via telephone or fax not later than noon on October 31. The permittee must state the reason for the delay and the anticipated date of removal. Notification does not relieve the permittee of the responsibility for complying with this subsection unless approved by the department.

(d) A control date of November 1, 2001, is established for the purpose of considering a future restricted access coonstripe shrimp trap fishery. Landings on or after this date may not apply toward a permit in a future restricted access program for the coonstripe shrimp trap fishery if one is developed.

## DEEPER NEARSHORE SPECIES FISHERY

### §150.02 Control Dates for Other Nearshore Species; Permits to Commercially Take Deeper Nearshore Fish Species.

(a) Permit Required. Effective April 1, 2003, any person taking, possessing aboard a boat, or landing any species of deeper nearshore fish listed in subsection (b) below for commercial purposes shall possess a valid deeper nearshore species fishery permit issued to that person that has not been suspended or revoked, except that when using a boat to take deeper nearshore species at least one person aboard the boat shall have a valid deeper nearshore species fishery permit.

(b) Permit Authorization. Notwithstanding Section 8587 of the Fish and Game Code, a deeper nearshore species fishery permit is required only for the commercial take of the following species of nearshore fish stocks: black rockfish, blue rockfish, brown rockfish, calico rockfish, copper rockfish, olive rockfish, quillback rockfish and treefish.

(c) Permit Revocation. Deeper nearshore species fishery permits are revocable.

(d) Fees. The fee for a deeper nearshore species fishery permit is \$127.

(e) Initial Issuance Criteria. Notwithstanding Section 8587 of the Fish and Game Code, a deeper nearshore species fishery permit shall be issued only to persons who have made landings that cumulatively total 200 pounds of any of the eight species for which a deeper nearshore species fishery permit is required pursuant to subsection (b). Landings must have been made in an individual's name and commercial fishing license identification number and submitted on fish landing receipts to the department pursuant to Section 8043, Fish and Game Code, and must have been made from January 1, 1994 through December 31, 1999. Applications (FG 1329(2/03), incorporated herein by reference) for initial issuance must be received by the department, or, if mailed, postmarked on or before September 30, 2003. Applications received by the department or postmarked from October 1, 2003 through October 31, 2003 must be accompanied by a \$50 late fee. Applications received by the department or postmarked after October 31, 2003 will be returned to the applicant unissued.

(f) Appeal. Any applicant who is denied issuance of a deeper nearshore species fishery permit may appeal the denial to the department in writing describing the basis for the appeal. The appeal shall be received by the department, or, if mailed, postmarked on or before March 31,

2004. The appeal shall be reviewed and decided by the department. The decision of the department may be appealed in writing to the commission within 60 days of the date of the department's decision.

(g) **Renewal.**

(1) Applicants seeking renewal of a deeper nearshore species fishery permit must have held a deeper nearshore species fishery permit in the immediately preceding permit year.

(2) Applications (FG 1329 (10/04), incorporated herein by reference) and permit fees for renewal of a deeper nearshore species fishery permit must be received by the department, or, if mailed, postmarked on or before April 30 of each permit year. Applications received by the department or postmarked from May 1 through May 31, must be accompanied by a \$50 late fee. Applications received by the department or postmarked after May 31 shall be returned to the applicant unissued.

(3) Applications for renewal must be accompanied by evidence that the qualification requirements specified in subsection (g)(1) have been met.

(h) A control date of December 31, 1999 is established for the purpose of developing a restricted access commercial nearshore fishery for those persons taking nearshore fish stocks not covered under other nearshore control dates or nearshore restricted access programs established in Section 150, Title 14, CCR. Species subject to this control date include only black rockfish, blue rockfish, brown rockfish, calico rockfish, copper rockfish, monkeyface eel, olive rockfish, quillback rockfish and treefish. Landings of these species made after this date may not apply toward qualifying for participation in a future restricted access program for this component of the nearshore fishery.

(i) This section does not apply to those nearshore species for which a Nearshore Fishery Permit is required pursuant to Section 150.01.

## **DRIFT GILL NET SHARK/SWORDFISH**

Drift gill net permit holders also subject to the provisions of § 190, Title 14, of the CCR.

### **Title 14 Excerpts**

#### **§106. Permits To Commercially Take Shark and Swordfish Using Drift Gill Nets.**

(a) **Permit Required.**

(1) The owner or operator of a vessel using drift gill nets to take shark and swordfish pursuant to Sections 8561-8570 of the Fish and Game Code shall have obtained a valid drift gill net shark and swordfish permit and shall be in possession of said permit when engaged in such activities.

(2) **To Whom Issued.** The department shall issue permits to the owner or operator of a currently registered vessel who has qualified for said permit pursuant to Sections 8561-8570 of the Fish and Game Code. The applicant, if the holder of an expired drift gill net shark and swordfish permit, shall have complied with subsection (e) dealing with records during the preceding year.

(3) **Where Issued.** Permits will be issued at department offices in Long Beach and San Diego.

(4) **Permit Review.**

(A) The department shall inform the applicant, in writing, that the application is complete and accepted for filing, or that the application is deficient and what specific information is required within 10 business days of receipt of a permit application.

(B) The department shall inform the applicant, in writing, of a permit decision within 15 days of receipt of completed permit application.

(b) **Limitations of Permit.** Permits are nontransferable. Not more than one permit shall be issued to any person. Except as provided in Section 8564 of the Fish and Game Code, no permit shall be valid for more than one vessel at one time.

(c) **Duration of Permit.** Except as otherwise provided, permits issued pursuant to these regulations shall be in force from the date of issuance through March 31, 1984. Permits issued on an annual basis after March 31, 1984 shall be in force from April 1 to March 31 of the following year

or, if issued after the beginning of that term, for the remainder thereof.

(d) **Cost of Permit.** The fee for the permit shall be \$330.

(e) **Records.** Pursuant to Section 190 of these regulations, each permittee shall complete and submit an accurate record of all gill net fishing activities on a form [Gill and Trammel Net Log, DFG 174 (10/89)] provided by the department.

(f) **Notification Procedure.** The department shall notify permittees if the director, pursuant to Section 8577 of the Fish and Game Code, closes the drift gill net shark and swordfish fishery or any area where the fishery is conducted. The department shall notify a permittee if his permit is suspended pursuant to Section 8576 of the Fish and Game Code. In either case, the department shall notify permittees by certified mail and by public announcement on VHF/Channel 16 between 0800 hours and 1000 hours during normal business days. Radio transmissions shall commence 48 hours prior to the effective date of a closure or permit suspension and shall continue for 24 hours after the effective date of such action. It shall be the responsibility of the permittee to daily monitor the named radio channel during the specified hours.

(g) A permittee may have any person serve in his place on the permittee's vessel and engage in fishing under his drift gill net shark and swordfish permit for not more than 15 calendar days in any one year, except as otherwise provided in Section 8563(b) of the Fish and Game Code. A permittee shall notify the department's Long Beach office of such a substitution by certified letter or telegram to be received at the Long Beach office during normal business hours at least 24 hours prior to the commencement of the trip. Any notice sent in this regard shall include, but is not limited to:

(1) Name of the vessel;

(2) Name and commercial fishing license number of substitute;

(3) Departure date and port for the trip.

(4) Termination date and port for the trip.

Conviction of a substitute permittee for a willful violation of any provision of Article 16 (commencing with Section 8560) of Chapter 2 or Article 1 (commencing with Section 8601), or Article 5 (commencing with Section 8680) of Chapter 3, Part 3, Division 6 of the Fish and Game Code or any regulation adopted pursuant thereto, while operating under the substitute permit, shall be cause to revoke or suspend the permit issued pursuant to Sections 8560-8583 of the Fish and Game Code.

(h) **Conditions of Permit.** Permit holders, their agents, servants, employees or those acting under their direction or control, shall comply with all applicable provisions of the Fish and Game Code relating to commercial fish and any regulations adopted pursuant thereto.

(i) **Revocation of Permits.** Any permit may be revoked or suspended by the commission, when requested by the department, upon a conviction for a willful violation of any provision of Article 16 (commencing with Section 8560) of Chapter 2 or Article 1 (commencing with Section 8601) or Article 5 (commencing with Section 8680) of Chapter 3, Part 3, Division 6 of the Fish and Game Code, or violation of any condition of the permit by the permittee or the permittee's agent, servant, employee or person acting under the permittee's direction or control.

### **FGC Excerpts**

#### **§7704.**

(a) It is unlawful to cause or permit any deterioration or waste of any fish taken in the waters of this state, or brought into this state, or to take, receive or agree to receive more fish than can be used without deterioration, waste, or spoilage.

(b) Except as permitted by this code, it is unlawful to use any fish, or part thereof, except fish offal, in a reduction plant or by a reduction process.

(c) Except as permitted by this code or by regulation of the commission, it is unlawful to sell, purchase, deliver for commercial purposes, or possess on any commercial fishing vessel registered pursuant to Section 7881 any shark fin or shark tail or portion thereof that has been removed from the carcass. However, thresher shark tails and fins that have been removed from the carcass and whose original shape

remain unaltered may be possessed on a registered commercial fishing vessel if the corresponding carcass is in possession for each tail and fin.

#### **§8561. Necessity of permit.**

(a) Notwithstanding Section 8394, shark and swordfish shall not be taken for commercial purposes with drift gill nets except under a valid drift gill net shark and swordfish permit issued to that person that has not been suspended or revoked and is issued to at least one person aboard the boat.

(b) A drift gill net shark and swordfish permit shall not be required for the taking of sharks with drift gill nets with a mesh size smaller than eight inches in stretched mesh and twine size no. 18 or the equivalent of this twine size or smaller.

#### **§8561.5. Transfer of permit.**

(a) Notwithstanding Section 8102, a permit issued pursuant to Section 8561 may be transferred by the permittee only if one of the following conditions is met:

(1) The permittee has held the permit for three or more years.

(2) The permittee is permanently injured or suffers a serious illness that will result in a hardship, as determined in a written finding by the director, to the permittee or his or her family if the permit may not otherwise be transferred or upon dissolution of a marriage where the permit is held to be community property.

(3) The permittee has died and his or her surviving spouse, heirs, or estate seeks to transfer the permit within six months of the death of the permittee or, with the written approval of the director, within the length of time that it may reasonably take to effect the transfer.

(b) A permit may be transferred only to a person who holds a valid general gill net permit issued to that person pursuant to Section 8681 that has not been suspended or revoked.

(c) The transfer of a permit shall only become effective upon notice from the department. An application for transfer shall be submitted to the department with such reasonable proof as the department may require to establish the qualification of the person the permit is to be transferred to, the payment to the department of a transfer fee of one thousand five hundred dollars (\$1,500), and a written disclosure, filed under penalty of perjury, of the terms of the transfer.

(d) Any restrictions on participation that were required in a permit transferred pursuant to Section 8102 before January 1, 1990, are of no further force or effect.

#### **§8562. Late permit applications.**

Applications delivered to a department office after April 30, or if mailed, postmarked after April 30, shall not be accepted unless approved by the commission pursuant to Section 8569.

#### **§8563. Necessity of permittee's presence on vessel.**

(a) Except as provided in subdivision (b), the permittee shall be aboard the vessel and shall be in possession of a valid drift gill net shark and swordfish permit when engaged in operations authorized by the permit.

(b) A permittee may have any person serve in his or her place on the permittee's vessel and engage in fishing under his or her drift gill net shark and swordfish permit for not more than 15 calendar days in any one year, except that a longer period may be allowed in the event of serious illness. A permittee shall notify the department's Long Beach office of a substitution of 15 days or less per calendar year, by certified letter or telegram at least 24 hours prior to the commencement of the trip. Written authorization for a substitution of greater than 15 days shall be obtained from the director and shall be given only on the director's finding that the permittee will not be available to engage in the activity due to serious illness, supported by medical evidence. An application for a substitution of greater than 15 days shall be made to the Department of Fish and Game, Headquarters Office, Sacramento, and shall contain such information as the director may require. Any denial of the substitution may be appealed to the commission.

#### **§8564. Specification of vessel.**

When the permittee applies for a drift gill net shark and swordfish permit, the permittee shall specify the vessel he or she will use in operations authorized by the permit. Transfer to another vessel shall be authorized by the department upon receipt of a written request from the permittee, accompanied by a transfer fee of one hundred thirty dollars (\$130), as follows:

(a) One transfer requested between February 1 and April 30 shall be made by the department upon request and payment of the fee.

(b) Any transfer, except as provided in subdivision (a), shall be authorized by the department only after receipt of proof of a compelling reason, which shall be submitted with the request for transfer, such as the sinking of the vessel specified for use in operations authorized by the permit.

#### **§8567. Fee for permit.**

The fee for a drift gill net shark and swordfish permit shall be three hundred thirty dollars (\$330).

#### **§8568. Qualifications to obtain a permit.**

Drift gill net shark and swordfish permits shall be issued to any prior permittee who possesses a valid drift gill net shark and swordfish permit issued pursuant to this section, but only if the permittee meets both of the following requirements:

(a) Possesses a valid permit for the use of gill nets authorized pursuant to Section 8681.

(b) Possessed a valid drift gill net shark and swordfish permit during the preceding season and that permit was not subsequently revoked.

#### **§8568.5. Prior permittees qualifications.**

Any person holding a valid drift gill net shark and swordfish permit on or after January 1, 2000, who did not make, on or after January 1, 2000, the minimum landings required under subdivision (c) of Section 8568, as amended by Section 11 of Chapter 525 of the Statutes of 1998, is eligible for that permit when that person meets all other qualifications for the permit.

#### **§8569. Prior permittees qualifications.**

The commission may establish conditions for the issuance of a permit if the person's drift gill net shark and swordfish permit was revoked during a preceding season or if the person possessed a valid permit during the preceding season but did not apply for renewal of his or her permit on or before April 30. The applicant for a permit under this section may appeal to the director for the issuance of the permit under those conditions.

#### **§8573. Size and use of gill nets.**

Drift gill nets may be used to take shark and swordfish under the permit provided in this article and are subject to the following restrictions:

(a) From June 1 to November 15, inclusive, shark or swordfish gill nets shall not be in the water from two hours after sunrise to two hours before sunset east of a line described as follows: From a point beginning at Las Pitas Point to San Pedro Point on Santa Cruz Island, thence to Gull Island Light, thence to the northeast extremity of San Nicolas Island, thence along the high water mark on the west side of San Nicolas Island to the southeast extremity of San Nicolas Island, thence to the northwest extremity of San Clemente Island, thence along the high water mark on the west side of San Clemente Island to the southeast extremity of San Clemente Island, thence along a line running 150° true from the southeast extremity of San Clemente Island to the westerly extension of the boundary line between the Republic of Mexico and San Diego County.

(b) (1) The total maximum length of a shark or swordfish gill net on the net reel on a vessel, on the deck of the vessel, and in the water at any time shall not exceed 6,000 feet in float line length. The float line length shall be determined by measuring the float line, as tied, of all the net panels, excluding the bridle, towline, or stotza and excluding the parachute or

other drogue device.

(2) Any shark or swordfish gill net on the reel shall have the float lines of the adjacent panels tied together, the lead lines of the adjacent panels tied together, and the web of the adjacent panels laced together. No quick disconnect device may be used unless the total maximum length of all shark and swordfish gill nets, including all spare gill nets or net panels on the vessel and all gill nets or net panels on the net reels of the vessel, on the deck of the vessel, stored aboard the vessel, and in the water, does not exceed 6,000 feet in float line length as determined under paragraph (1).

(3) Spare shark or swordfish gill net aboard the vessel shall not exceed 250 fathoms (1,500 feet) in total length, and the spare net shall be separated panels of not to exceed 100 fathoms (600 feet) in float line length for each panel, with the float lines and leadlines attached to each panel separately gathered and tied, and the spare net panels stowed in lockers, wells, or other storage space.

(4) If a torn panel is replaced in a working shark or swordfish gill net, the torn panel shall be removed from the working net before the replacement panel is attached to the working net.

(c) Any end of a shark or swordfish gill net not attached to the permittee's vessel shall be marked by a pole with a radar reflector. The reflector shall be at least six feet above the surface of the ocean and not less than 10 inches in any dimension except thickness. The permittee's permit number shall be permanently affixed to at least one buoy or float which is attached to the radar reflector staff. The permit number shall be at least one and one-half inches in height and all markings shall be at least one-quarter inch in width.

(d) For the purposes of this article, "shark or swordfish gill net" means a drift gill net of 14-inch or greater mesh size.

#### **§8574. Mesh size of gill nets.**

(a) Drift gill nets with mesh size less than 14 inches in stretched mesh shall not be used to take shark and swordfish by permittees operating under a drift gill net shark and swordfish permit, and the permittee shall not have aboard the vessel or in the water a drift gill net with mesh size less than 14 inches and more than 8 inches in stretched mesh.

(b) No permittee shall deploy a drift gill net of less than 14-inch mesh size at the time that the permittee has a shark or swordfish gill net deployed.

#### **§8575. Restricted areas.**

Drift gill nets, used to take shark and swordfish under the permit provided in this article, shall not be used under the following circumstances:

(a) From May 1 through July 31, within six nautical miles westerly, northerly, and easterly of the shoreline of San Miguel Island between a line extending six nautical miles west magnetically from Point Bennett and a line extending six nautical miles east magnetically from Cardwell Point and within six nautical miles westerly, northerly, and easterly of the shoreline of Santa Rosa Island between a line extending six nautical miles west magnetically from Sandy Point and a line extending six nautical miles east magnetically from Skunk Point.

(b) From May 1 through July 31, within 10 nautical miles westerly, southerly, and easterly of the shoreline of San Miguel Island between a line extending 10 nautical miles west magnetically from Point Bennett and a line extending 10 nautical miles east magnetically from Cardwell Point and within 10 nautical miles westerly, southerly, and easterly of the shoreline of Santa Rosa Island between a line extending 10 nautical miles west magnetically from Sandy Point and a line extending 10 nautical miles east magnetically from Skunk Point.

(c) From May 1 through July 31, within a radius of 10 nautical miles of the west end of San Nicolas Island.

(d) From August 15 through September 30, in ocean waters bounded as follows: beginning at Dana Point, Orange County, in a direct line to Church Rock, Catalina Island; thence in a direct line to Point La Jolla, San Diego County; and thence northwesterly along the mainland shore to Dana Point.

(e) From August 15 through September 30, in ocean waters within six

nautical miles of the coastline on the northerly and easterly side of San Clemente Island, lying between a line extending six nautical miles west magnetically from the extreme northerly end of San Clemente Island to a line extending six nautical miles east magnetically from Pyramid Head.

(f) From December 15 through January 31, in ocean waters within 25 nautical miles of the mainland coastline.

#### **§8575.5. Other restricted areas.**

Drift gill nets used to take shark and swordfish under the permit provided in this article shall not be used in the following areas:

(a) Within 12 nautical miles from the nearest point on the mainland shore north of a line extending due west from Point Arguello.

(b) East of a line running from Point Reyes to Noonday Rock to the westernmost point of southeast Farallon Island to Pillar Point.

#### **§8576. Restricted season; Permitted takings of swordfish or thresher shark.**

(a) Drift gill nets shall not be used to take shark or swordfish from February 1 to April 30, inclusive.

(b) Drift gill nets shall not be used to take shark or swordfish in ocean waters within 75 nautical miles from the mainland coastline between the westerly extension of the California-Oregon boundary line and the westerly extension of the United States-Republic of Mexico boundary line from May 1 to August 14, inclusive.

(c) Subdivisions (a) and (b) apply to any drift gill net used pursuant to a permit issued under Section 8561 or 8681, except that drift gill nets with a mesh size smaller than eight inches in stretched mesh and twine size number 18, or the equivalent of this twine size, or smaller, used pursuant to a permit issued under Section 8681, may be used to take species of sharks other than thresher shark, shortfin mako shark, and white shark during the periods specified in subdivisions (a) and (b). However, during the periods of time specified in subdivisions (a) and (b), not more than two thresher sharks and two shortfin mako sharks may be possessed and sold if taken incidentally in drift gill nets while fishing for barracuda or white seabass and if at least 10 barracuda or five white seabass are possessed and landed at the same time as the incidentally taken thresher or shortfin mako shark. No thresher shark or shortfin mako shark taken pursuant to this subdivision shall be transferred to another vessel prior to landing the fish. Any vessel possessing thresher or shortfin mako sharks pursuant to this section shall not have any gill or trammel net aboard that is constructed with a mesh size greater than eight inches in stretched mesh and twine size greater than number 18, or the equivalent of a twine size greater than number 18.

(d) Notwithstanding the closure from May 1 to August 14, inclusive, provided by subdivision (b), a permittee may land swordfish or thresher shark taken in ocean waters more than 75 nautical miles from the mainland coastline in that period if, for each landing during that closed period, the permittee signs a written declaration under penalty of perjury that the fish landed were taken more than 75 nautical miles from the mainland coastline.

(e) If any person is convicted of falsely swearing a declaration under subdivision (d), in addition to any other penalty prescribed by law, the following penalties shall be imposed:

(1) The fish landed shall be forfeited, or, if sold, the proceeds from the sale shall be forfeited, pursuant to Sections 12159, 12160, 12161, and 12162.

(2) All shark or swordfish gill nets possessed by the permittee shall be seized and forfeited pursuant to Section 8630 or 12157.

(f) From August 15 of the year of issue to January 31, inclusive, of the following year, swordfish may be taken under a permit issued pursuant to this article.

#### **§8576.5. Severing of pelvic fin of thresher shark taken with drift gill nets.**

Thresher shark taken with drift gill nets shall not have the pelvic fin severed from the carcass until after the shark is brought ashore.

### §8577. Fishery closings.

Notwithstanding Section 8394, the director may close the drift gill net shark and swordfish fishery, the swordfish harpoon fishery, or any area where either or both fisheries are conducted, if, after a public hearing, the director determines the action is necessary to protect the swordfish or thresher shark and bonito (mako) shark resources.

The director shall reopen a fishery or any fishing areas previously closed pursuant to this section if the director determines that the conditions which necessitated the closure no longer exist.

### §8579. Application of article.

A permittee shall be subject to the provisions of this article whenever the permittee is using a drift gill net, unless the permittee has surrendered his or her permit to the department.

A permittee may surrender his or her permit by notifying the department's Long Beach office of his or her intentions by telegram or certified letter and by sending or delivering his or her permit to a department office. A permittee may reclaim his or her permit at any time during regular working hours, if the permit has not been suspended or revoked.

### §8580. Sale of swordfish.

It is unlawful for any permittee to sell swordfish taken by him or her to other than the persons described in Sections 8032 or 8033.

### §8581. Revocation or suspension of licenses.

Any license issued pursuant to Sections 8032 to 8036, inclusive, may be revoked or suspended by the commission, when requested by the department, upon a conviction for a violation of Section 8043 for failure to report, or for inaccurately reporting, shark or swordfish landings by fishermen operating under permits issued pursuant to Section 8394 or 8561.

### §8582. Purpose of article; Sale or possession of marlin.

(a) The Legislature finds and declares that the intent of this article is not to permit or encourage the taking of marlin for commercial purposes.

(b) It shall be a misdemeanor for any person operating under a permit pursuant to this article to sell or possess for sale or personal use any marlin. In the event a marlin is taken incidentally in a drift gill net, the permittee shall notify the department immediately that the fish is on the boat. No marlin may be removed from the boat except for delivery to the department.

## DUNGENESS CRAB

Dungeness crab vessel permit holders are also subject to the provisions of §§180.2 and 180.5, Title 14, of the CCR, and FGC §§9000, and 9002 through 9012. These provisions are also applicable to trap permit holders.

## FGC Excerpts

### §8275. Definitions.

Unless the provision or context otherwise requires, the definitions in this section govern the construction of this article.

(a) "Dungeness crab" or "market crab" means crab of the species *Cancer magister*.

(b) "Reconstruction" means major work on the hull of a vessel to make that vessel operable in the California crab fishery if that work may reasonably be expected to be of a duration that will preclude operation of that vessel in the crab fishery for the length of the crab season or longer.

(c) "Rock crab" means any crab of the genus *Cancer* other than Dungeness crab and includes rock crab (*Cancer antennarius*), red crab (*Cancer productus*), and yellow crab (*Cancer anthonyi*).

(d) "Under construction" means having plans and materials and proceeding with work toward the completion of an operational Dungeness crab fishing vessel.

### §8276. Season; Restrictions on taking for commercial purposes.

Except as provided in Section 8276.2:

(a) Dungeness crab may be taken for commercial purposes in Districts 6, 7, 8, and 9 only between December 1 and July 15.

(b) Dungeness crab may be taken for commercial purposes in all other districts only between November 15 and June 30.

(c) Dungeness crab may not be taken for commercial purposes in any district, or part of a district, lying within the portions of Crescent City Harbor between the south sand barrier and the breakwater.

### §8276.2. Authority of director to order delay in opening of crab fishery; Quality testing. (Only effective until April 1, 2006.)

(a) The director may order a delay in the opening of the Dungeness crab fishery after December 1 in Districts 6, 7, 8, and 9 in any year. The delay in the opening shall not be later than January 15 of any year.

(b) On or about November 1 of each year, the director may authorize one or more operators of commercial fishing vessels to take and land a limited number of Dungeness crab for the purpose of quality testing according to a testing program conducted by, or on behalf of, the Pacific States Marine Fisheries Commission or an entity approved by the department. The department shall not approve a testing program unless it is funded by the entity authorized to conduct the testing program. Crab taken pursuant to this section shall not be sold; however, any edible crabmeat recovered from the crabs tested shall not be wasted and may be used for charitable purposes.

(c) The director shall order the opening of the Dungeness crab season in Districts 6, 7, 8, and 9 on December 1 if the quality tests authorized in subdivision (b) indicate the Dungeness crabs are not soft-shelled or low quality. The entity authorized to conduct the approved testing program may test, or cause to be tested, crabs taken for quality and soft shells pursuant to the approved testing program. If the tests are conducted on or about November 1 and result in a finding that Dungeness crabs are soft-shelled or low quality, the director shall authorize a second test to be conducted on or about November 15 pursuant to the approved testing program. If the second test results in a finding that Dungeness crabs are soft-shelled or low quality, the director may order the season opening delayed for a period of 15 days and may authorize a third test to be conducted on or about December 1. If the third test results in a finding that Dungeness crabs remain soft-shelled or of low quality, the director may order the season opening delayed for a period of an additional 15 days and authorize a fourth test to be conducted. This procedure may continue to be followed, except that no tests shall be conducted after January 1 for that season, and the season opening shall not be delayed by the director later than January 15.

(d) This section shall become inoperative on April 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute that is enacted before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

### §8276.3. Taking or landing crab prohibited during closure; Gear setting period prior to opening after delay. (Only effective until April 1, 2006.)

(a) (1) If there is any delay ordered by the director pursuant to Section 8276.2 in the opening of the Dungeness crab fishery in Districts 6, 7, 8, and 9, no vessel shall take or land crab within Districts 6, 7, 8, and 9 during any closure.

(b) If there is any delay in the opening of the Dungeness crab season pursuant to Section 8276.2, the opening date in Districts 6, 7, 8, and 9 shall be preceded by a 36-hour gear setting period, as ordered by the director.

(c) This section shall become inoperative on April 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute that is enacted before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

**§8277. Extension of season; Territorial limitation.**

The director may extend the dungeness crab season in any district or part thereof.

Before extending the season, the director shall consider written findings of the department regarding the state of the dungeness crab resource in the district, or part thereof, which consider, but are not limited to, population and maturity. The director may extend the season only if the written findings do not conclude that the extension will damage the dungeness resource.

The director shall not extend the dungeness crab season past August 31 in a district or part thereof, north of the southern boundary of Mendocino County or past July 31 in a district, or part thereof, south of Mendocino County. The director shall order closure of the season at any time during the extension period of the director determines that further fishing will damage the dungeness crab resource.

**§8278. Prohibited taking of crabs of minimum size.**

Except as otherwise provided, no dungeness crab less than six and one-quarter (6<sup>1</sup>/<sub>4</sub>) inches in breadth, and no female dungeness crab, may be taken, possessed, bought, or sold, except that not more than 1 percent in number of any load or lot of dungeness crabs may be less than six and one-quarter (6<sup>1</sup>/<sub>4</sub>) inches in breadth but not less than five and three-quarter (5<sup>3</sup>/<sub>4</sub>) inches in breadth.

Dungeness crab shall be measured by the shortest distance through the body from edge of shell to edge of shell directly from front of points (lateral spines).

**§8279. Sale of crabs from certain waters unlawful.**

It is unlawful to sell any Dungeness crab taken in any of the following waters:

(a) The Eel River and its tributaries between the Pacific Ocean and the west line of Sec. 35, T. 3 N., R. 1 W., H. B. & M.

(b) The Pacific Ocean within a radius of one mile from the mouth of the Eel River.

(c) Humboldt Bay, including the entrance of that bay, and the Pacific Ocean within a radius of one mile from the extreme western point of the north jetty at the entrance of the bay and for a radius of one mile from the extreme western point of the south jetty at the entrance of the bay.

(d) Trinidad Bay, that bay being the body of water within the area enclosed by a line running southeasterly from the westernmost point of Trinidad Head to the mouth of Luftenholtz Creek.

(e) Bodega Lagoon.

**§8279.1. Restrictions on taking of Dungeness crab in certain districts; Restrictions relating to ocean waters off Washington, Oregon or California. (Only effective until April 1, 2006)**

(a) No person shall take, possess onboard, or land Dungeness crab for commercial purposes from any vessel in ocean waters in District 6, 7, 8, or 9 for 30 days after the opening of the Dungeness crab fishing season in California, if both of the following events have occurred:

(1) The opening of the season has been delayed pursuant to state law in California.

(2) The person has taken, possessed onboard, or landed Dungeness crab for commercial purposes, from ocean waters outside of District 6, 7, 8, or 9, prior to the opening of the season in those districts.

(b) No person shall take, possess onboard, or land Dungeness crab for commercial purposes from any vessel in ocean waters south of the border between Oregon and California for 30 days after the opening of the Dungeness crab fishing season in California, if both of the following events have occurred:

(1) The opening of the season has been delayed pursuant to state law in California.

(2) The person has taken, possessed onboard, or landed Dungeness crab for commercial purposes in Oregon or Washington prior to the opening of the season in California.

(c) No person shall take, possess onboard, or land Dungeness crab for commercial purposes from any vessel in ocean waters north of the border

between Oregon and California for 30 days after the opening of the Dungeness crab fishing season in Oregon or Washington, if both of the following events have occurred:

(1) The opening of the season has been delayed in Oregon or Washington.

(2) The person has taken, possessed onboard, or landed Dungeness crab for commercial purposes in California prior to the opening of the season in ocean waters off Oregon or Washington.

(d) No person shall take, possess onboard, or land Dungeness crab for commercial purposes from any vessel in ocean waters off Washington, Oregon, or California for 30 days after the opening of the Dungeness crab fishing season in California, Oregon, or Washington, if both of the following events have occurred:

(1) The opening of the season has been delayed in Washington, Oregon, or California.

(2) The person has taken, possessed onboard, or landed Dungeness crab for commercial purposes in either of the two other states prior to the delayed opening in the ocean waters off any one of the three states.

(e) A violation of this section shall not constitute a misdemeanor. Pursuant to Section 7857, the commission shall revoke the Dungeness crab vessel permit held by any person who violates this section.

(f) This section shall become inoperative on April 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute that is enacted before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

**§8280.1. Dungeness crab vessel permits. (Only effective until April 1, 2006)**

(a) No person shall use a vessel to take, possess, or land Dungeness crab for commercial purposes using Dungeness crab traps authorized pursuant to Section 9011, unless the owner of that vessel has a Dungeness crab vessel permit for that vessel that has not been suspended or revoked. This section does not apply to a commercially registered fishing vessel when it is being used solely to assist a permitted vessel transport or set traps.

(b) A Dungeness crab vessel permit may be issued only to the following persons for use on qualifying vessels:

(1) A person, who has a commercial fishing license issued pursuant to Section 7852 or Article 7 (commencing with Section 8030) of Chapter 1 that has not been suspended or revoked, who is the owner of a commercial fishing vessel that has been registered with the department pursuant to Section 7881 in each of the 1991-92, 1992-93, and 1993-94 permit years and a minimum of four landings in each of three Dungeness crab seasons in the period from November 1, 1984, to April 1, 1994, have been made from that vessel. This paragraph includes any person purchasing a vessel qualifying pursuant to this paragraph.

(2) A person who has a commercial fishing license issued pursuant to Section 7852 or Article 7 (commencing with Section 8030) of Chapter 1 that has not been suspended or revoked, who is the owner of a commercial fishing vessel that has been registered with the department pursuant to Section 7881 in each of the 1991-92, 1992-93, and 1993-94 permit years and a minimum of four landings in one of the Dungeness crab seasons in the period from November 1, 1984, to April 1, 1994, have been made from that vessel in this state as documented by landing receipts delivered to the department pursuant to Section 8046, who the department finds to have been unable, due to illness or injury or any other hardship, to make a minimum of four landings in each of two of the previous three Dungeness crab seasons, and who, in good faith, intended to participate in the Dungeness crab fishery in those seasons.

(3) A person who has a commercial fishing license issued pursuant to Section 7852 that has not been suspended or revoked, who meets the requirements of Section 8101, and who, notwithstanding Section 8101, is, at the time of application, the owner of a fishing vessel that is not equipped for trawling with a net and that has been registered pursuant to Section 7881 in each of the 1991-92, 1992-93, and 1993-94 permit years. Not more than one Dungeness crab vessel permit shall be issued to any person qualifying under Section 8101 and all permits issued under Section 8101

shall, notwithstanding paragraph (1) of subdivision (a) of Section 8280.3, be nontransferable. A person qualifying for a permit under this paragraph shall have participated in the Dungeness crab fishery on or before March 31, 1994, as documented by landing receipts that were prepared in that person's name for not less than four landings of Dungeness crab taken in a crab trap in a Dungeness crab season and were delivered to the department pursuant to Section 8046. No person shall be issued a permit under this paragraph if that person has been issued a permit under any other provision of this section for another vessel. For purposes of Section 8101, "participated in the fishery" means made not less than four landings of Dungeness crab taken by traps in that person's name in one Dungeness crab season. The department shall separately identify permits issued pursuant to this paragraph and those permits shall become immediately null and void upon the death of the permittee. The department shall not issue or renew any permit under this paragraph to a person if the person failed to meet the participation requirements of four landings in one season prior to April 1, 1994, or has been issued a Dungeness crab permit for a vessel under any other paragraph of this subdivision.

(4) A person who has a commercial fishing license issued pursuant to Section 7852 that has not been suspended or revoked, who meets one of the following conditions:

(A) The person held a Dungeness crab permit issued pursuant to Section 8280 as it read on April 1, 1994, and participated in the Dungeness crab fishery between November 1, 1984, and April 1, 1994, and is the owner of a vessel that has been registered with the department in each of the 1991-92, 1992-93, and 1993-94 permit years but did not make landings or the department records do not indicate a minimum of four landings per season for three Dungeness crab seasons from that vessel or in that person's name because of a partnership or other working arrangement where the person was working aboard another vessel engaged in the Dungeness crab fishery in California.

(B) The person held a Dungeness crab permit issued under Section 8280 as it read on April 1, 1994, and is the owner of a commercial fishing vessel that has been registered with the department pursuant to Section 7881 in each of the 1991-92, 1992-93, and 1993-94 permit years and from which a minimum of four landings utilizing traps were made in at least one Dungeness crab season in the period between November 1, 1984, and April 1, 1994, and from which either four landings were made utilizing traps or landings in excess of 10,000 pounds were made utilizing traps in each of two other Dungeness crab seasons in that same period, as documented by landing receipts.

(C) The person held a Dungeness crab vessel permit issued under Section 8280 as it read on April 1, 1994, or was an officer in a California corporation that was licensed pursuant to Article 7 (commencing with Section 8030) of Chapter 1 as of April 1, 1994, and began construction or reconstruction of a vessel on or before January 1, 1992, for the purpose of engaging in the Dungeness crab fishery, including the purchase of equipment and gear to engage in that fishery in California. A person may be issued a permit under this condition only if the person intended in good faith to participate in the California Dungeness crab fishery, a denial of a permit would create a financial hardship on that person, and, for purposes of determining financial hardship, the applicant is a nonresident and cannot participate with his or her vessel or vessels in the Dungeness crab fishery of another state because of that state's limited entry or moratorium on the issuance of permits for the taking of Dungeness crab.

(5) A person who has a commercial fishing license issued pursuant to Section 7852 that has not been suspended or revoked, who held a Dungeness crab permit issued under Section 8280 as it read on April 1, 1994, who made a minimum of four landings of Dungeness crab taken by traps in each of three Dungeness crab seasons in the period from November 1, 1984, to April 1, 1994, in his or her name in this state from a vessel owned by that person, as documented by landing receipts, who, between April 1, 1991, and January 1, 1995, purchased, contracted to purchase, or constructed a vessel, not otherwise qualifying pursuant to paragraph (1), (2), or (4), who has continuously owned that vessel since its purchase or construction, and who either (A) has used that vessel for the taking of Dungeness crab in this state on or before March 31, 1995, as

documented by one or more landing receipts delivered to the department pursuant to Section 8046, or (B) intended in good faith, based on evidence that the department and the review panel may require, including investment in crab gear, to enter that vessel in this state's Dungeness crab fishery not later than December 1, 1995. Not more than one permit may be issued to any one person under this paragraph.

(6) A person who held a Dungeness crab permit issued under Section 8280 as it read on April 1, 1994, who made a minimum of four landings utilizing traps in this state in each of three Dungeness crab seasons in the period between November 1, 1984, and April 1, 1994, in his or her name from a vessel operated by that person as documented by landing receipts, who currently does not own a vessel in his or her name, and who has not sold or transferred a vessel otherwise qualifying for a permit under this section. A permit may be issued under this paragraph for a vessel not greater in size than the vessel from which the previous landings were made, and, in no event, for a vessel of more than 60 feet in overall length, to be placed on a vessel that the person purchases or contracts for construction on or before April 1, 1996. A permit issued under this paragraph shall be nontransferable and shall not be used for a vessel not owned by that person, and shall be revoked if the person (A) fails to renew the permit or annually renew his or her commercial fishing license issued pursuant to Section 7852 or (B) is or becomes the owner of another vessel permitted to operate in the Dungeness crab fishery pursuant to this section.

(c) The department may require affidavits offered under penalty of perjury from persons applying for permits under subdivision (b) or from witnesses corroborating the statements of a person applying for a Dungeness crab vessel permit. Affidavits offered under penalty of perjury shall be required of an applicant if the department cannot locate records required to qualify under subdivision (b).

(d) No person shall be issued a Dungeness crab vessel permit under this section for any vessel unless that person has a valid commercial fishing license issued pursuant to Section 7852 that has not been suspended or revoked.

(e) Notwithstanding Section 7852.2 or subdivision (e) of Section 8280.2, the department may issue a Dungeness crab vessel permit that has not been applied for by the application deadline if the department finds that the failure to apply was a result of a mistake or hardship, as established by evidence the department may require, the late application is made not later than October 15, 1995, and payment is made by the applicant of a late fee of two hundred fifty dollars (\$250) in addition to all other fees for the permit.

(f) The department may waive the requirement that a person own a commercial fishing vessel that has been registered with the department pursuant to Section 7881 in each of the 1991-92, 1992-93, and 1993-94 permit years for one of those required years under this section only if the vessel was registered and used in the California Dungeness crab fishery during the registration year immediately prior to the year for which the waiver is sought and was registered and used in the California Dungeness crab fishery after the year for which the waiver is sought and if the reason for the failure to register in the year for which the waiver is sought was due to a death, illness, or injury, or other hardship, as determined by the review panel, that prevented the vessel from being registered and operated in the fishery for that registration year.

(g) If any person submits false information for the purposes of obtaining a Dungeness crab vessel permit under this section, the department shall revoke that permit, if issued, revoke the person's commercial fishing license that was issued pursuant to Section 7850 for a period of not less than five years, and revoke the commercial boat registration for a period of not less than five years of any vessel registered to that person pursuant to Section 7881 of which that person is the owner.

(h) This section shall become inoperative on April 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute that is enacted before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

**§8280.2. Owner of vessel; Trawl or other net vessels; Permit renewal. (Only effective until April 1, 2006)**

(a) The owner of a Dungeness crab vessel, for purposes of this section, may include a person with a bona fide contract for the purchase of a vessel who otherwise meets all other qualifications for a Dungeness crab vessel permit. If a contract is found to be fraudulent or written or entered into for the purposes of circumventing qualification criteria for the issuance of a permit, the applicant shall be permanently ineligible for a Dungeness crab vessel permit.

(b) A Dungeness crab vessel permit shall be issued only to the person owning the vessel at the time of application for that permit. No person shall be issued more than one permit for each vessel owned by that person and qualifying for a permit pursuant to Section 8280.1.

(c) A Dungeness crab vessel permit shall be issued only to the owner of a vessel taking crab by traps. No permit shall be issued to the owner of a vessel using trawl or other nets unless the owner of that vessel qualifies for a permit pursuant to paragraph (1) of subdivision (b) of Section 8280.1. No trawl or other net vessel authorized under this code to take Dungeness crab incidental to the taking of fish in trawl or other nets shall be required to possess a Dungeness crab vessel permit.

(d) Dungeness crab vessel permits shall not be combined or otherwise aggregated for the purpose of replacing smaller vessels in the fishery with a larger vessel, and a permit shall not be divided or otherwise separated for the purpose of replacing a vessel in the fishery with two or more smaller vessels.

(e) Applications for renewal of all Dungeness crab vessel permits shall be received by the department, or, if mailed, postmarked, by April 30 of each year. In order for a vessel to retain eligibility, a permit shall be obtained each year subsequent to the initial permit year and the vessel shall be registered pursuant to Section 7881. The vessel owner shall have a valid commercial fishing license issued to that person pursuant to Section 7852 that has not been suspended or revoked. No minimum landings of Dungeness crab shall be required annually to be eligible for a Dungeness crab vessel permit.

(f) This section shall become inoperative on April 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute that is enacted before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

**§8280.3. Transference of crab vessel permit; Exceptions. (Only effective until April 1, 2006)**

(a) Notwithstanding Article 9 (commencing with Section 8100) of Chapter 1 and except as provided in this section, a Dungeness crab vessel permit shall not be transferred.

(1) The owner of a vessel to whom a Dungeness crab vessel permit has been issued shall transfer the permit for the use of that vessel upon the sale of the vessel by the permitholder to the person purchasing the vessel. Thereafter, upon notice to the department, the person purchasing the vessel may use the vessel for the taking and landing of Dungeness crab for any and all of the unexpired portion of the permit year, and that person is eligible for a permit pursuant to Section 8280.1 for the use of that vessel in subsequent years. The person purchasing the vessel may not transfer the permit for use of that vessel in the Dungeness crab fishery to another replacement vessel during the same permit year.

(2) The owner of a vessel to whom the Dungeness crab vessel permit has been issued may transfer the permit to a replacement vessel of equivalent capacity, except as specified in this section. Thereafter, upon notice to the department and payment of the transfer fee specified in Section 8280.6, the replacement vessel may be used for the taking and landing of Dungeness crab for any and all of the unexpired portion of the permit year and that person is eligible for a permit pursuant to Section 8280.1 for the use of that replacement vessel in subsequent years.

The owner of a permitted vessel may transfer the permit to a vessel of greater capacity that was owned by that person on or before November 15, 1995, not to exceed 10 feet longer in length overall than the vessel for which the permit was originally issued or to a vessel of greater capacity purchased after November 15, 1995, not to exceed five feet longer in

length overall than the vessel for which the permit was originally issued.

The department, upon recommendation of the Dungeness crab review panel, may authorize the owner of a permitted vessel to transfer the permit to a replacement vessel that was owned by that person on or before April 1, 1996, that does not fish with trawl nets that is greater than five feet longer in length overall than the vessel for which the permit was originally issued, if all of the following conditions are satisfied:

(A) A vessel of a larger size is essential to the owner for participation in another fishery other than a trawl net fishery.

(B) The owner held a permit on or before January 1, 1995, for the fishery for which a larger vessel is needed and has participated in that fishery.

(C) The permit for the vessel from which the permit is to be transferred qualified pursuant to paragraph (1) of subdivision (b) of Section 8280.1.

(D) The vessel to which the permit is to be transferred does not exceed 20 feet longer in length overall than the vessel for which the permit was originally issued and the vessel to which the permit is to be transferred does not exceed 60 feet in overall length. No transfer of a permit to a larger vessel shall be allowed more than one time. If a permit is transferred to a larger vessel, any Dungeness crab vessel permit for that permit year or any subsequent permit years for that larger vessel may not be transferred to another larger vessel. The department shall not thereafter issue a Dungeness crab vessel permit for the use of the original vessel from which the permit was transferred, except that the original vessel may be used to take or land Dungeness crab after that transfer if its use is authorized pursuant to another Dungeness crab vessel permit subsequently transferred to that vessel pursuant to this paragraph.

(3) Upon the written approval of the department, the owner of a vessel to whom the Dungeness crab vessel permit has been issued may temporarily transfer the permit to another replacement vessel, for which use in the Dungeness crab fishery is not permitted pursuant to this section or Section 8280.1, for a period of not more than six months during the current permit year if the vessel for which the permit was issued is seriously damaged, suffers major mechanical breakdown, or is lost or destroyed, as determined by the department, upon approval of the director. The owner of the vessel shall submit proof that the department may reasonably require to establish the existence of the conditions of this paragraph. Upon approval by the director, the owner of a lost or destroyed vessel granted a six-month temporary transfer under this section may be granted an additional six-month extension of the temporary transfer.

(4) Upon written approval of the department, the owner of a vessel to whom the Dungeness crab vessel permit has been issued may retain that permit upon the sale of that permitted vessel for the purpose of transferring the permit to another vessel to be purchased by that individual within one year of the time of sale of the vessel for which the permit was originally issued if the requirements of this section are satisfied, including the payment of transfer fees. If the permit is not transferred to a new vessel owned by the person to whom the vessel permit was originally issued within one year of the sale of the vessel for which it was originally issued, or if the person does not retain ownership of the new vessel to which the permit is transferred for a period of not less than one year, the permit shall be revoked.

(5) In the event of the death or incapacity of a permitholder, the permit shall be transferred, upon application, to the heirs or assigns, or to the working partner, of the permitholder, together with the transfer of the vessel for which the permit was issued, and the new owner may continue to operate the vessel under the permit, renew the permit, or transfer the permit upon sale of the vessel pursuant to paragraph (1).

(b) This section shall become inoperative on April 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute that is enacted before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

**§8280.4. Revocation of commercial license of owner of vessel lacking Dungeness crab vessel permit. (Only effective until April 1, 2006)**

(a) The commission may revoke the commercial fishing license issued pursuant to Section 7852 of any person owning a fishing vessel engaging

in the taking or landing of Dungeness crab by traps for which that person has not obtained a Dungeness crab vessel permit, and the commission may revoke the registration, issued pursuant to Section 7881, for that vessel.

(b) This section shall become inoperative on April 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute that is enacted before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

**§8280.5 Dungeness crab review panel. (Only effective until April 1, 2006)**

(a) The director shall convene a Dungeness crab review panel for the purpose of reviewing applications for Dungeness crab vessel permits pursuant to paragraphs (2) and (4) of subdivision (b) of Section 8280.1 and applications for permit transfers pursuant to Section 8280.3 if the department determines that the additional review and advice of the panel will be helpful in deciding whether to issue a permit or approve a transfer.

(b) The panel shall consist of one nonvoting representative of the department and three public voting members selected by the director to represent the Dungeness crab fishing industry. One public member shall be licensed pursuant to Article 7 (commencing with Section 8030) of Chapter 1 and active in Dungeness crab processing in this state. Two public members shall be licensed pursuant to Section 7852, one from Sonoma County or a county south of Sonoma County, and one from Mendocino County or a county north of Mendocino County, and active in the taking and landing of Dungeness crab in this state. The public members shall be reimbursed for their necessary and proper expenses to participate on the panel. A public member shall serve on the panel for not more than four consecutive years.

(c) The panel may conduct its review of applications referred to it by mail or teleconference.

(d) The panel shall review each application for a permit or permit transfer referred to it by the department and shall consider all oral and written evidence presented by the applicant that is pertinent to the application under review. If the panel recommends issuance of a permit or approval of the transfer, the department may issue a Dungeness crab vessel permit pursuant to Section 8280.1 or approve a permit transfer pursuant to Section 8280.3.

(e) All appeals of denials of Dungeness crab vessel permits shall be made to the commission and may be heard by the commission if the appeal of denial is filed in writing with the commission not later than 90 days from the date of a permit denial. The commission may order the department to issue a permit upon appeal if the commission finds that the appellant qualified for a permit under this chapter.

(f) This section shall become inoperative on April 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute that is enacted before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

**§8280.6. Permit fee. (Only effective until April 1, 2006.)**

(a) The department shall charge a fee for each Dungeness crab vessel permit of two hundred dollars (\$200) for a resident of California and four hundred dollars (\$400) for a nonresident of California.

(b) The department shall charge a nonrefundable fee of two hundred dollars (\$200) for each transfer of a permit authorized pursuant to paragraph (2), (4), or (5) of subdivision (a) of Section 8280.3.

(c) This section shall become inoperative on April 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute that is enacted before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

**§8280.7. Assistance in deployment of Dungeness crab traps by vessel lacking permit.**

Notwithstanding Section 8280.1, the owner of a vessel, who has a Dungeness crab vessel permit for that vessel that has not been suspended or revoked, may contract for the use of a vessel that is registered pursuant

to Section 7881 and for which a Dungeness crab vessel permit has not been issued for the purpose of assisting the crew of the permitted vessel in the deployment of Dungeness crab traps. An unpermitted vessel used for the purpose of assisting in the deployment of Dungeness crab traps pursuant to this section shall not have on board any equipment for the retrieval of Dungeness crab traps and shall not have on board at any time any Dungeness crab.

**§8281. Possession, transportation and sale authorized; Cost of inspection and marking.**

Crab meat and frozen whole crabs or parts thereof, which are taken during the open season, may be possessed, transported, and sold at any time, subject to the regulations of the commission. The cost of inspection and marking, under the regulations of the commission, shall be paid by the owner or seller of such crab meat, crabs, or part thereof.

**§8283. Trap Setting in Advance of Season.**

(a) If requested on or before November 10 of any year, the director shall consult with the Dungeness crab industry and shall specify by public announcement on or before November 20 of that year when crab traps may be set and baited prior to the opening date of the Dungeness crab season in Fish and Game Districts 6, 7, 8, and 9. Crab traps may be set and baited in advance of that opening date in those districts if no other attempt is made to take or possess Dungeness crab in those districts.

(b) Except in Fish and Game Districts 6, 7, 8, and 9, crab traps may be set and baited 18 hours in advance of the opening date of the Dungeness crab season, if no other attempt is made to take or possess Dungeness crab.

**§8284. Taking for commercial purposes, Incidental takings.**

(a) Subject to this article and Article 1 (commencing with Section 9000) of Chapter 4, crab traps, as described in Section 9011, may be used to take Dungeness crab for commercial purposes. Any fish may be taken incidentally in crab traps being used to take Dungeness crab.

(b) Any other species taken incidentally in a crab trap being used to take rock crab, except as provided in this subdivision, shall be released. The following species may be taken incidentally in crab traps being used to take rock crab under a permit issued pursuant to Section 9001 in District 19 and 118.5, and any other species taken incidentally with a crab trap being used to take rock crab shall be released:

- (1) Kellet's whelk.
- (2) Octopus.
- (3) Crabs, other than the genus Cancer.

**§8604. Illegal disturbance or injury to net or trap; Exception.**

It is unlawful willfully to disturb or injure any net, trap, or other apparatus to take fish which is being legally used in the waters of this state.

This section does not apply to employees of the department while they are engaged in the performance of their official duties.

**§8834. Maximum weight of crab to be taken or possessed on boat with trawl or drag net.**

It is unlawful to take or possess more than 500 pounds of crabs on any boat on which any type of trawl or drag net is carried or operated.

**§8834.5. Taking or possession of Dungeness crab from vessel with trawl or drag net; Transfer to another vessel.**

South of a line extending due west, true, from Point Reyes, it is unlawful for any person on a vessel on which any type of trawl or drag net is carried or operated to take or possess Dungeness crab, as defined in Section 8275, or to transfer Dungeness crab to another vessel.

**§9011. Crab traps.**

(a) (1) Subject to Article 6 (commencing with Section 8275) of Chapter 2, dungeness crab, as defined in Section 8275, may be taken with dungeness crab traps.

(2) A dungeness crab trap may have any number of openings of any size. However, every dungeness crab trap shall have at least two rigid circular openings of not less than 4 1/4 inches, inside diameter, on the top or side of the trap. If both of the openings are located on the side of the trap, at least one of the openings shall be located so that at least one-half of the opening is in the upper half of the trap.

(3) Any rock crab taken with a crab trap used pursuant to this subdivision to take dungeness crab shall be immediately returned to the waters from which it was taken. No person shall possess rock crab aboard any vessel when the vessel is being used to take dungeness crab.

(b)(1) Subject to Article 6 (commencing with Section 8275) of Chapter 2, rock crab, as defined in Section 8275, may be taken with rock crab traps.

(2) A rock crab trap may have any number of openings of any size. However, a rock crab trap constructed of wire mesh with an inside mesh measurement of not less than 1 7/8 inches by 3 7/8 inches, with the 3 7/8 inch measurement parallel to the floor shall have at least one rigid circular opening of not less than 3 1/4 inches, inside diameter, located on any outside wall of the rearmost chamber of the crab trap and shall be located so that at least one-half of the opening is in the upper half of the trap. Rock crab traps constructed of other material, shall have at least two rigid circular openings of not less than 3 1/4 inches, inside diameter, on the top or side of the rearmost chamber of the trap. If both of the openings are located on the side of the trap, at least one of the openings shall be located so that at least one-half of the opening is in the upper half of the trap. No rigid circular opening, as required, shall extend more than 1/2 inch beyond the plane of the wall side or top of the trap in which it is located, and it shall be clearly accessible to any crab which may be in the trap.

(3) No person shall possess any lobster aboard a vessel while the vessel is being used pursuant to this subdivision to take rock crab. Any dungeness crab taken with a crab trap pursuant to this subdivision to take rock crab shall be immediately returned to the waters from which it was taken. No person shall possess dungeness crab aboard any vessel when the vessel is being used to take rock crab.

#### **§9012. Use of vessel to take and land crab for both commercial and sport purposes.**

(a) No vessel may be used to take and land crab for both commercial and sport purposes in the same day.

(b) In Districts 6, 7, 8, and 9, no trap shall be used to take Dungeness crab if that trap is attached to another trap or other traps by a common line.

#### **GENERAL GILL & TRAMMEL NET**

General gill permit holders are also subject to the provisions of §190, Title 14, of the CCR.

#### **Title 14 Excerpts**

##### **§104.1. Closures.**

Except as provided in Fish and Game Code Section 8664.5(f), at no time may gill or trammel nets be used in ocean waters which are 60 fathoms or less in depth at mean lower low water, in the area between a line extending 261° true (245° magnetic) from the most westerly point of the west point of the Point Reyes headlands in Marin County to a line extending due west (270° true; 256° magnetic) from Point Arguello, Santa Barbara County.

##### **§174. Permit to Use Gill Nets or Trammel Nets for Commercial Purposes.**

###### **(a) Permit required.**

(1) The owner or operator of a vessel using a gill net or trammel nets shall have obtained a valid gill net/trammel net permit and shall be in possession of said permit when engaged in gill netting or trammel netting activities except as provided under subsection (i). Except as otherwise provided, it is unlawful to fish with a gill net or trammel net unless a

permittee is aboard the vessel.

(2) To Whom Issued. The department shall issue permits to the owner or operator of a currently registered commercial fishing vessel who has qualified pursuant to subsection (b).

(3) Where Issued. Permits shall be issued at department offices in Eureka, Menlo Park, Monterey, Long Beach and San Diego.

(b) Qualifications for the Permit. To qualify for a permit, an applicant shall:

(1) Have worked as a crewmember for at least 12 months on vessels using gill nets or trammel nets and shall have worked at least 180 days at sea on such vessels; or

(2) Pass a proficiency examination administered by the department. The proficiency examination shall include written and performance tests which demonstrate knowledge of the proper use of gill nets or trammel net; or

(3) Prove to the director's satisfaction that as the owner or operator of a legally registered commercial fishing vessel, he has landed at least 10,000 pounds of fish during a 12-month period, or has landed fish during a 12-month period for which he was paid at least \$10,000. Only landings of fish caught by the use of gill nets or trammel nets shall be used to satisfy the catch requirements of this subsection; or

(4) Prove to the director's satisfaction that as the owner or operator of a legally registered commercial fishing vessel, he has landed at least 1,000 pounds of fish taken in gill nets or trammel nets in 4 of the 5 license years prior to the date of application; or

(5) Have possessed a permit issued pursuant to this section during the previous season and shall have complied with subsection (f) of these regulations.

(6) Only landings and crewmember experience occurring during the five-year period prior to the date of application shall be used to meet the requirements of subsection (b). The applicant shall supply documentation that he was a legally licensed commercial fisherman when he made the required landings or met the crewmember experience requirements. Crewmember experience shall be documented by fishing records submitted to the department as required by subsection (f), or by a notarized document signed by the owner or operator of vessels on which the applicant has completed the required experience. Landings of fish shall be verified by the submission of copies of landing receipts.

(c) Limitations of Permit. Permits are nontransferable. Not more than one permit shall be issued to any person.

(d) Duration of Permit. Except as otherwise provided, permits issued pursuant to these regulations, shall be in force from April 1 through March 31 of the following year, or if issued after the beginning of such term, for the remainder thereof.

(e) Cost of Permit. See section 8683 of the Fish and Game Code.

(f) Records. Pursuant to Section 190 of these regulations, each permittee shall complete and submit an accurate record of all gill net and trammel net fishing activities on a form [Gill and Trammel Net Log, DFG 174 (10/89)] provided by the department.

(g) Conditions of Permit. Provisions of the Fish and Game Code relating to commercial fish except as modified by the provisions of these regulations, shall be a condition of all permits to be fully performed by the holders thereof, their agents, servants, employees or those acting under their direction or control.

(h) Revocation of Permits. A permit may be revoked or canceled by the commission for a period not to exceed one year from the date of revocation upon a conviction for a violation of a provision of Article 5, Chapter 3, Part 3, Division 6 of the Fish and Game Code, or any regulation authorized by this article, or the terms or conditions of this section by the holders thereof, their agents, servants, employees, or those acting under their direction and control.

(i) Exemptions from Permit. The owner or operator of a vessel operating under a permit issued pursuant to Section 163, Title 14, CCR, is not required to possess the permit authorized by this section.